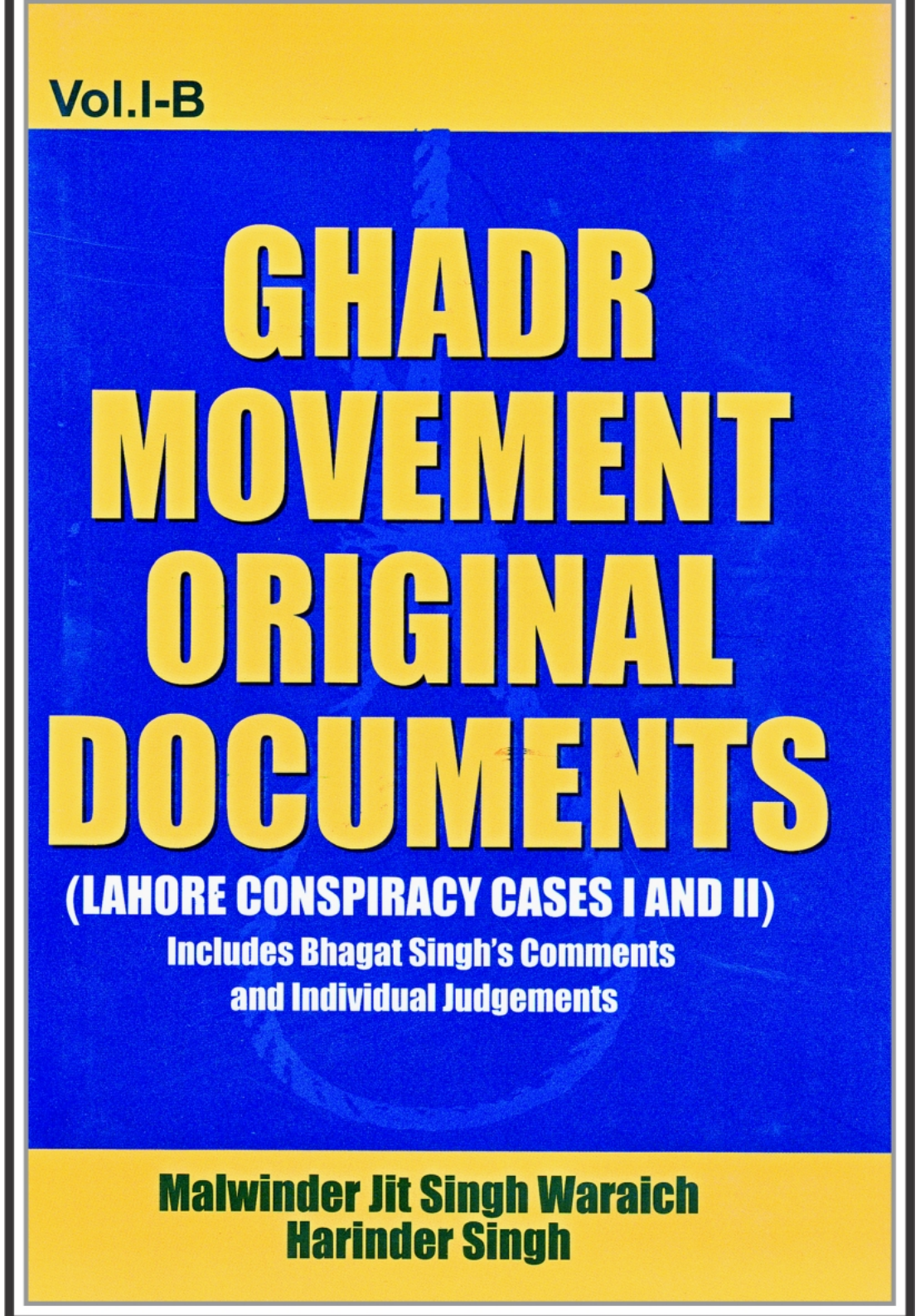
Vol.I-B
GHADR MOVEMENT ORIGINAL DOCUMENTS
(LAHORE CONSPIRACY CASES I AND II)
Includes Bhagat Singh's Comments and Individual Judgements
Malwinder Jit Singh Waraich
Harinder Singh

Particulars of all the accused in Lahore Conspiracy Case

Judgement delivered on September 13, 1915

Sr. No.	Person tried.	Sections of Indian Penal Code under which convited	Sentenced pronounced	Final Sentence after review
1.	Anand Kishore, son of Radha Kishen, of Lahore.		Discharged	
2.	Anokh Singh, son of Gujar Singh, Jat, of Rampur, District Ludhiana.		Absconded, but was arrested and made an approver in the Supplementary Lahore Conspiracy Case.	
3.	Arjan Singh, son of Jhanda Singh, of Lohatbadi, Nabha State.		Absconded	
4.	*Baj Singh, son of Chatar Singh, Jat, of Raya, Police Station Beas, Amritsar.	122	2 years rigorous imprisonment and forfeiture of property.	2 years rigorous imprisonment.
5.	*Balwant Singh, son of Mir Singh, Jat, of Sathiala, Police Station Beas, District Amritsar.	121, 121A, 122, 395, 306, 397, 398,	Death. Forfeiture of property.	Transportation for life. Forefiture of property.
6.	*Banta Singh, *alias* Balwant Singh, son of Buta Singh, of Sangwal, Police Station Kartarpur.		Absconded, but was arrested in July 1915 and convicted in the Nangal Kalan Murder and the Walla Bridge Cases, Sentenced to death.	
7.	Bakhshish Singh, son of Santa Singh, Jat, of Gillwali, Police Station Amritsar Sadr, Amritsar.	121, 121A, 122, 396, 302/109	Death. Forfeiture of property.	Death. Forfeiture of property.
8.	*Bhan Singh, son of	121, 121A	Transportation for	Transportation for

	Sawan Singh, Jat, of Dadher, Police Station Ludhiana.		life. Forfeiture of property.	10 years.
9.	*Bishen Singh, son of Jawala Singh, Jat, of Dadher, Police Station Sirhali, Amritsar.	121, 122, 121A	Transportation for Forefeiture of property.	Transportation for Forefeiture of property.
10.	*Bishen Singh, son of Kesar Singh, Jat, of Dadher, Police Station Sirhali, Amritsar. (Note: A Komagata Maru Passenger)	121, 122, 121A	Transportation for Forefeiture of property.	Transportation for Forefeiture of property.
11.	*Bir Singh *alias* Vir Singh, son of Buta Singh, of Bahowal, Police Station Mahilpur, District Hoshiarpur.		Absconded, but was arrested and tried in the Supplementary Lahore Conspiracy Case. Sentenced to death.	
12.	*Buta Singh *alias* Kala Singh, son of Sher Singh, of Akalgarh Khurd, Police Station Raikot, District Ludhiana.		Absconded, but was arrested and convicted in the Nangal Kalan murder case and hanged in August 1915.	
13.	*Chuhar Singh, son of Buta Singh, Jat, of Lilan, Police Station Raikot, District Ludhiana.	121, 121A, 122, 395, 397, 398	Transportation for Forefeiture of property.	Transportation for Forefeiture of property.
14.	Dalip Singh, son of Kesar Singh, Jat, of Ghanori, Patiala State.	395	7 years' rigorous imprisonment.	7 years' rigorous imprisonment.
15.	Dewa Singh, son of Sahib Singh, of Nandpur, Police Station Sahnewal, Ludhiana.	122, 121A, 109	4 years' rigorous imprisonment.	4 years' rigorous imprisonment.
16.	*Gandha Singh *alias* Bhagat Singh, son of Jawala Singh, of Kachar Bhan, Police Station Zira, District Ferozepur.		Absconded, but was arrested and convicted for his share in the Ferozeshahr murder case and hanged.	
17.	*Gurmukh Singh *alias* Anup Singh, son of Hoshnak Singh, of Lalton, Ludhiana. (Note— A Komagata Maru passenger)	121, 121A, 131	Transportation for Forfeiture of property.	Transportation for life.

18.	*Gurdit Singh, son of Gurmukh Singh, Barber, of Sursingh, Police Station, Khalra, Lahore.	121, 121A	Transportation for life. Forfeiture of property.	10 years' transportation.
19.	*Gujar Singh, son of Sham Singh, Jat, of Bhakna, Police Station Gharinda, Amritsar.		Acquitted.	
20.	Dr. Hardit Singh, son of Bhup Singh, of Kala Ghanupur, Police Station Sadr, Amritsar.		Acquitted.	
21.	*Harnam Singh, *Tunda*, son of Gurdit Singh, Jat, of Kotla, Police Station, Hariana, Hoshiarpur.	121, 121A, 131	Death. Forefiture of property.	Transportation for life. Forefeiture of property.
22.	*Harnam Singh, son of Jiwan Singh, of Padhana, Police Station Khalra, District Lahore.		Dicharged.	
23.	*Harnam Singh *alias* Arjan Singh, son of Bhag Singh Mahajan, of Kahuta, Rawalpindi.		Absconding. Is believed to be at Kabul.	
24.	*Harnam Singh, son of Arura, of Bhatti Goraya, Sialkot.	121, 121A, 122, 395, 396, 397, 398.	Death, Forfeiture of property.	Death. Forefeiture of property.
25.	*Hazara Singh, son of Bela Singh, of Dadher, Police Station Sirhali, Amritsar.	121, 122,	Transportation for Forfeiture of property.	Transportation for life. Forfeiture of property.
26.	*Hari Singh, son of Gurmukh Singh, of Nathana, Ferozepore.	395, 397, 398	10 years' rigorous imprisonment.	10 years' rigorous imprisonment.
27.	Hirde Ram, son of Gajjan Singh, Rajput of Mandi State.	121, 121A, 122, 131, 302,397,398,395 198	Death. Forfeiture of property.	Transportation for life. Forfeiture of property.
28.	*Inder Singh, *Granthi* son of Ala Singh of Mala, Police Station, Jagraon, Ludhiana.	121, 121A, 124A	Transportation for life. Forfeiture of property.	Transportation for life.
29.	*Indar Singh, son of Ganda Singh, Barber, of	121, 121A	Transportation for life. Forfeiture of	10 years' transportation.

	Basin, Police Station Manwan, Lahore.		property.	
30.	*Indar Singh, son of Mula Singh, Jat, of Sursingh, Police Station Khalra, Lahore.	121, 121A	Transportation for life. Forfeiture of property.	10 years' transportation.
31.	*Jagat Ram, son of Dittu Mal, Brahmin, of Hariana, Hoshiarpur.	121, 121A, 131, 122, 124A.	Death. Forfeiture of property.	Transportation for life. Forfeiture of property.
32.	*Jagat Singh *alias* Jai Singh, son of Arur Singh, Jat, of Sursingh, Lahore.	121, 121A, 122, 131, 132, 124A, 395,396, 397, 398, 302 109	Death. Forefeiture of property.	Death and forfeiture of property.
33.	Jamna Das *alias* Charan Das, son of Hari Ram, Brahmin, of Baragaon, Barabanki, U.P.	123	3 years' rigorous imprisonment.	3 years' rigorous imprisonment.
34.	*Jawand Singh, son of Uttam Singh, Jat, of Sursingh, Police Station Khalra, Lahore.	121, 121A	Transportation for life. Forefeiture of property.	10 years' transportation.
35.	*Jawant Singh *alias* Jaswant Singh *alias* Lachman *alias* Punjab Singh *alias* Ram Chand, son of Narain Singh of Nangal Kalan, Police Station Mahilpur, District Hoshiarpur.		Absconded but was arrested on 28th March 1917 and sent for trian in the Fourth Supplementary Lahore Conspiracy Case and sentenced to death.	
36.	*Jawala Singh *alias* Santa Singh, son of Kannahya Singh, of Thathian, Police Station Beas, District Amritsar.	121, 121A, 131, 124A.	Transportation for life. Forfeiture of property.	Transportation for life.
37.	Kala Singh son of Ghasita Singh, Jat, of Sursingh, Police Station Khalra, District Lahore.	121, 121A 396	Transportation for life. Forefeiture of property.	10 years' transportation.
38.	Kala Singh, son of Gulab Singh, Carpenter, of Amritsar.	121, 121A, 396.	Death. Forfeiture of property.	Transportation for life. Forfeiture of property.
39.	*Kartar Singh, son of Mangal Singh, Jat, of Saraba, Police Station Raikot, District Ludhiana.	121, 121A, 122, 124A, 395, 396, 397, 398, 131, 132.	Death. Forfeiture of property.	Death. Forfeiture of property.
40.	Karam Singh, son of Sunder Singh, of Kotla Ajner, Police Station Khanna, District Ludhiana.		Absconded, but was arrested and sent for trial in the Supplementary Lahore Conspiracy Case and sentenced to transportation for life.	
41.	*Kehar Singh, son of Nihal Singh, of Marhana, Police Station Sirhali, District Amritsar.	121, 121A, 122.	Transportation for life. Forfeiture of property. Reduction of sentence recommended on account of old age.	Transportation for life. Forfeiture of property.
42.	*Kehar Singh *alias* K.S. Sidhu, son of Bhagel Singh, of Sahnewal, District Ludhiana.		Absconded, but was arrested in May 1916 and sent up for trial in the Second Supplementary Lahore Conspiracy Case and sentenced to transportation for life.	
43.	*Kehar Singh, son of Bhup Singh, Jat, of Thatghar, Police Station Raikot, Ludhiana.	121, 121A, 124A, 131.	Death. Forfeiture of property.	Transportation for life and forfeiture property.
44.	Kharak Singh, Student, son of Jhanda Singh, of Bopa Rai, Police Station Raikot, Ludhiana.	121, 121A, 122.	Transportation for life. Forfeiture of property. Strongly recommended for mercy on account of youth.	4 years' rigorous imprisonment.
45.	Khushal Singh, son of Suchet Singh, of Padri, District Amritsar.	121, 121A, 396.	Death. Forfeiture of property.	Transportation for life and forfeiture of property.
46.	Kirpal Singh, Student, son of Narain Singh, of Bopa Rai, Police Station Riakot, Ludhiana.	121, 121A, 124A, 305 109	Transportation for life. Forfeiture of property. Recommended for mercy on account of youth.	10 years' transportation.
47.	Kishen Das, *Sadh,* son of Khazan Singh of Babarpur, Police Station Ludhiana.	176	Simple imprisonment until rising of court.	Simple imprisonment until rising of court.
48.	Kidar Nath, son of Dr Bhag Mal, of Lahore.		Acquitted.	

49.	Lal Singh, son of Mihan Singh, of Bhure, Police Station Tarn Taran, District Amritsar.	121, 121A, 122	Transportation for life. Forfeiture of property.	Transportation for life. Forfeiture of property.
50.	Madan Singh, son of Mal Singh of Gaga, Police Station Barki, District Lahore.	121, 121A	Transportation for life. Forfeiture of property.	Transportation for life.
51.	*Mangal Singh, son of Sarmukh Singh, of Lalpur, Police Station Tarn Taran, District Amritsar.	121, 121A,	Transportation for life. Forfeiture of property. Possibility of mercy suggested.	Transportation for
52.	*Mathura Singh, Dr., son of Hari Singh Khatri, of Dhudyal, Police Station Chakwal, Jhelum.		Absconded, but finally arrested and sent for trial in the Third Supplementary Lahore Conspiracy Case and sentenced to death.	
53.	*Nand Singh, son of Ram Singh, Jat, of Kalia, Police Station Raikot, District Ludhiana.	121, 121A, 122, 395, 398.	Death. Forefeiture of property.	Transportation for life and forefiture of property.
54.	*Nidhan Singh, son of Sunder Singh, Jat, of Chuga, Police Station Dharmkot, District Ferozepore.	121, 121A, 122.	Death. Forfeiture of property.	Transportation for life and forfeiture of property.
55.	Naurang Singh, *Darzi*, son of Chanda Singh, of Amritsar.		Acquitted.	
56.	*Bhai Parma Nand, Brahman, son of Bhai Tara Chand of Karyala, Jhelum.	121, 121A, 124A.	Death. Forfeiture of property.	Transportation for life and forfeiture of property.
57.	*Pandit Parma Nand, Kayasth, son of Gya Parshad of Sukrada Kharka, Hamirpur, U.P.	121, 121A, 122, 124A.	Death. Forfeiture of property.	Transportation for life and forfeiture of property.
58.	*Pirthi Singh, son of Shadi Ram, Rajput, of Sabhu, Patiala State.	121, 121A, 124A	Death. Forfeiture of property.	Transportation for life and forfeiture property.
59.	*Vishnu Ganesh Pingle, son of Ganesh Pingle, Mahratta Brahmin, of Talegaon Dhandhera, Poona.	121, 121A, 122, 124A, 131, 132.	Death, Forfeiture of property.	Death. Forfeiture of property.
60.	*Piara Singh *alias* Karam Singh, son of Lakha Singh, of Langeri, Police Station Mahilpur, Hoshiarpur.	121, 121A 326	Transportation for life. Forfeiture of of property.	Transportation for life.
61.	*Prem Singh, son of Jiwan Singh, Jat, of Sursingh, Police Station Khalra, Lahore.		Absconded. Finally arrested and sent up for trial in the Padri Murder Case and sentenced to death.	
62.	Puran Singh, Student, son of Hoshiar Singh of Isewal, Police Station Dakha, Ludhiana.	121, 121A, 124A.	Transportation for life. Forfeiture of property. Recommendation made for mercy.	4 years' rigorous imprisonment.
63.	Vinayak Rao Kapile, son of Biswas Nath Rao Kapile, Mahratta, of Poona.		Absconded. Eventually murdered at at Lucknow by S.N. Sanyal.	
64.	Ram Saran Das, son of Sant Ram, Khatri of Kapurthala.	121, 121A	Death. Forfeiture of property.	Transportation for life and forfeiture of property.
65.	*Ram Rakha, son of Hira Singh, Rajput, of Sabasawrana, Police Station Garh Shankar, Hoshiarpur.		Absconding.	
66.	Rash Behari Bose *alias* Sham Lal, son of Binode Behari Bose, of Fatagore, Chandernagore, also of Subalda, Police Station Raina, Burdwan.		Absconding.	
67.	*Roda Singh, son of Wasawa Singh, Jat, of Roda, Police Station Baghapurana, Ferozepore.	121, 121A.	Transportation for life. Forfeiture of property.	Transportation for life.
68.	*Rulia Singh, son of Jagat Singh, Jat, of Saraba, Police Station Raikot, Ludhiana.	121, 121A,	Death. Forfeiture of property.	Transportation for life and forfeiture of property.
69.	Sawan Singh, son of Khushal Singh, of	121, 121A, 396	Death. Forfeiture of property.	Transportation for life and forfeiture

	Chabha, Police Station Sadr, Amritsar.			of property.
70.	Sajjan Singh, son of Mihan Singh, of Narangwal, Police Station Dehlon, District Ludhiana.		Absconded, but was arrested in June 1915 sent up for trial in the Supplementary Lahore Conspiracy Case and sentenced to transportation for life.	
71.	Sewa Singh son of Gajjo, of Lohatbadi, Nabha State.		Absconding.	
72.	*Shiv Singh, son of Munshi, Jat, of Kotla, Police Station Hariana, Hoshiarpur.	121, 121A	Transportation for life. Forfeiture of property. Strongly recommended for mercy.	10 years' transportation. case to be reconsidered after 4 years, in 1920.
73.	*Sher Singh, son of Kesar Singh, Jat, of Vein Poin, Police Station Gharinda, Amritsar.	121, 121A, 124A, 131	Transportation for life. Forfeiture of property.	Transportation for life.
74.	*Sohan Singh, son of Karam Singh, Jat, of Bhakna, Police Station Gharinda, Amritsar.	121, 121A, 124A.	Death. Forfeiture of property.	Transportation for life. Forfeiture of property.
75.	Surain Singh, son of Bur Singh, Jat, of Gillwali, Police Station Sadr, Amritsar.	121, 121A, 396	Death. Forfeiture of property.	Death. Forfeiture of property.
76.	Surain Singh, son of Ishar Singh, Jat, of Gillwali, Police Station Sadr, Amritsar.	121, 121A, 396	Death. Forfeiture of property.	Death. Forfeiture of property.
77.	*Udham Singh, son of Mewa Singh,Jat, of Kasel, Police Station Gharinda, Amritsar.	121, 121A, 131.	Transportation for life. Forfeiture of property.	Transportation for life.
78.	*Umrao Singh, son of Rulia Singh, Jat, of Jhabbewal, Police Station Sahnewal, Ludhiana.		Made an approver duing the course of trial.	
79.	*Uttam Singh *alias* Ragho Singh *alias* Sewa Singh, son of Jita Singh, of Jagraon, Ludhiana.		Absconded, but arrested and sent up for trial in the Supplementary Lahore Conspiracy Case and sentenced to death.	
80.	*Wasakha Singh, son of Dyal Singh, of Dadher, Police Station Sirhali, Amritsar.	121, 121A, 122.	Transportation for life. Forfeiture of property.	Transportation for life. Forfeiture of property.
81.	*Wasawa Singh, son of Mihan Singh, Jat, of Gillwali, Police Station Sadr, Amritsar.	121, 121A, 124A, 396 109	Death. Forfeiture of property.	Transportation of life and forfeiture of property.
82.	*Rur Singh, son of Attar Singh, Jat, of Chuhar Chak, Police Station Moga, Ferozepore.	121, 121A, 131.	Transportation for life. Forfeiture of property.	Transportation for life.

Note 1. Approvers:

1. *Amar Singh, son of Uttam Singh, Rajput, of Nawanshahr, Police Station Rahon, Jullundur.
2. *Mula Singh, *alias* Punjab Singh, son of Jawala Singh, Jat, of Mirankot Kalan, near Amritsar town, District Amritsar.
3. *Jawala Singh, son of Roda Singh, of Gurusar, Police Station Kot Bhai, Ferozepur.
4. *Nawab Khan, son of Ghaus Khan, Rajput, of Halwara, Police Station Raikot, Ludhiana.
5. *Udham Singh, son of Sohan Singh, of Padri, Police Station Tarn Taran, Amritsar.
6. Ichhra Singh, son of Bahal Singh, of Lohatbadi, Nabha State.
7. Narain Singh, son of Bakshish Singh of Lohatbadi, Nabha State.
8. Sucha Singh, son of Rulia Singh, Jat, of Jhabbewal, Police Station Sahnewal, Ludhiana.
9. *Umrao Singh, son of Rulia Singh, Jat, of Bholapur, Police Station Sahnewal, Ludhiana.
10. Dalip Singh, son of Hazura Singh, Jat, of Bholapur, Police Station Sahnewal, Ludhiana.

Note 2. The asterisk mark indicates that the person was a returned emigrant.

PART IV

Individual Cases (L.C.C.-I)

(1) Anand Kishore, son of Radha Kishen, of Lahore.

[Discharged. — Eds.]

(2) Anokh Singh,son of Gujar Singh, Jat, of Rampur, District Ludhiana.

[Absconded, but was arrested and made an approver in the Supplementary Lahore Conspiracy Case. — Eds.]

(3) Arjan Singh, son of Jhanda Singh, of Lohatbadi, Nabha State.

[Absconded. — Eds.]

(4) Baj Singh, son of Chattar Singh, Jat of Raya, Police Station Beas, District Amritsar, aged 28, cultivation (Ex-Soldier).

Baj Singh

This accused admittedly went to America from Manilla in 1911, and reached India by ss. "Katana Maru" on January 7th, 1915, from California *via* Colombo. He was admittedly arrested at his home in Raya village on March 27th, 1915, by Inspector Amir Ali. He pleaded "Not guilty" to the various charges framed against him (page 489 of the Official Record).

The evidence against this accused consists of the statements of the approvers Mula Singh and Umrao Singh and three other prosecution witnesses. Mula Singh, who identified him on Jail parade of April 18th, 1915, and in Court, stated that he knew him at Shanghai, and that the accused was one of those

present at Nanak Singh's *chaubara* on January 11th, 1915. He further stated that accused Balwant Singh had mentioned accused as having, about the beginning of February 1915, supplied him with 100 cartidges. In corroboration we have the statement of the detective, P.W. 110, who noted him in his list of 27 emigrants who visited Nanak Singh's *chaubara* in Amritsar on January 11th, 1915. The approver Umrao Singh, who was not cross-examined as to any reasons for enmity, mentions meeting the accused at Stockton on the 26th or 27th of August 1914, when accused said that he was ready to go to India for a revolution. Then we have the statement of P.W. 195, Inspector Amir Ali, that it was information given by this accused which led to the recovery of cartridges from Lal Singh, a man of accused's own village. The cartridges, a tin box, and a piece of a "sweater" in which they were wrapped up are *Exhibits* P. 163 A., B., C., and P.W. 119, *Lambardar* of Raya, was present when they were dug up by Lal Singh from his cattle-house.

Accused in his statement gave as the reason for his return from America at the end of August that one of his legs had been paining him. He admitted that he was present at Nanak Singh's *chaubara* on January 11th, but denied that anything illegal took place there; and said that he along with other returned emigrants, came straight through to Amritsar by train (*via* Ludhiana) after arriving in India; and that he left Amritsar alone for his home next day. He denied having given accused Balwant Singh any cartridges, and suggested that he had been implicated by the Police, who wanted him to become a witness. He produced six Defence witnesses — one of whom was the afore-mentioned *Lambardar* of his village. The witnesses are D.W. 34, 35, 36, 37, 46 and 47. The gist of their evidence is that the accused, after his return, lived continuously in his village, since his leg was giving him trouble; and that nothing incriminating was found when his house was searched. D.W. 47 is a witness who treated accused medically for some three weeks. D.W. 46, a *Zaildar*, gave accused a good character; and we have also on the record accused's Discharge Certificate from the 47th Sikhs, showing that he was discharged at his own request with a very good character and a recommendation for civil employment.

Accused's Counsel has urged that his client was not present at any of the meetings in America; that nothing was found in his house; that Lal Singh should have been produced as a prosecution witness; and that

approver Mula Singh did not mention this accused in his statements to the police and a Magistrate. The first two points are correct; but we fail to see why approver Umrao Singh should have falsely accused him of having revolutionary views. As regards the non-production of Lal Singh by the prosecution, we need only say that he (having received 5 years' imprisonment for possession of the cartridges) would not have been likely to assist the prosecution. As regards the last point accused's name is certainly omitted in the statement to the Magistrate — he was not a specifically important person — but, since the Defence Counsel requested us to do so, we have seen the Police statement of Mula Singh, and we find accused mentioned at page 19 thereof in connection with Balwant Singh and the cartridges.

Mula Singh in cross-examination stated that he did mention this accused to the Magistrate, who may have omitted his name by an oversight (*vide* page $\frac{110}{3}$ of the Official Record). We find that accused returned on the same ship as accused No. 9, 25, 80 and 41 — persons with revolutionary ideas; and it is not the case of the prosecution that he was absent from his village — the case as presented to us was that he was one of the conspirators, waiting for a call. We can see no good reason for distrusting the evidence against him; it appears that it was Mula Singh's statement which led the Police to question this accused, who himself gave information leading to the recovery of cartridges from Lal Singh of his own village; and our conclusion is that, whatever accused's character may formerly have been, he had become infected with the insane ideas of his co-conspirators.

"Though the probabilities are that this accused was revolutionist, and supplied cartridges to his co-revolutionists, in our opinion the case falls just short of absolute judicial certainty of abetment of waging war; and we acquit the accused on this charge. We record a conviction against him, under section 122, Indian Penal Code, of the offence of collecting ammunition; and hereby sentence him to undergo two years' rigorous imprisonment; and we order that his property, to such extent as it is liable to be confiscated, be forfeited to Government.

We, however, recommend that the order of forfeiture be not enforced. We acquit accused on the remaining charges."

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revolutionist, and supplied cartrides to his co-revolutionists, in our opinion the case falls just short of absolute judicial certainty of abetment of waging war; and we acquit the accused on this charge. We record a conviction against him, under section 122, Indian Penal Code, of the offence of collecting ammunition; and hereby sentence him to undergo two years' rigorous imprisonment; and we order that his property, to such extent as it is liable to be confiscated, be forfeited to Goverment.

We, however, recommended that the order of forfeiture be not enforced. We acquit accused on the remaining; chrges.

5) Balwant Singh, son of Mir Singh, Jat, of Sathiala, Police Station Beas, District Amritsar, aged 26.

This accused admittedly returned from Singapore by the ss. "Salamis" reaching Calcutta on the 20th November 1914, and was admittedly one of those arrested in house No.1 on the 19th February 1915. He pleaded "Not guilty" to the various charges framed against him (vide page 491).

The evidence against him consists of the statements of approvers Amar Singh, Mula Singh and Sucha Singh, Umaro Singh and 12 other prosecution witnesses. The accused produced no witness for his defence. The first two of the above approvers identified him on jail Parade of the 18th April 1915, and in court-as did also P.W 72 Kirpal Singh, the Police spy. Approver Sucha Singh identified him in Court, as also PW's 99, 227, 230 and 231—though not by name as also PW P.W.97 identified him on jail Parade; and so did P.W. 125, though the latter was unable satisfactorily to identify him in court.

In our opinion the case against this accused is perfectly clear; and his counsel could urge practically nothing on his behalf. According to his own statement (page 300), he returned from Singapore, because all work there had stopped on account of the war (he was a watchman); and he admitted that, on his return, 'he only spent a few days in his village; his excuse being that he went to visit relations. On this point we have the evidence of P.W.79 (a Zaildar) and P.W 80 (a Lambardar-accused 's own cousin); and it appears that he absented himself from his village after a stay of only 2 nights. None of the four approvers was cross-examined on behalf of this accused; nor does he allege any reasons why they should have spoken falsely against him. Approver Amar Singh

mentions this accused as present at conspirators' meeting at the Amritsar Gurdwara on 29th and 31st December 1914, when it was decided to join the Bengal Party; Doctor Mathra Singh (absconding accused) was introduced; and it was decided to make trial of an experimental bomb. Accused has himself admitted meeting Doctor Mathra Singh in Amritsar; and when questioned as to how he knew his name, could only say that he had been told it by the approver Udham Singh's father, Sohan Singh. Approver Mula Singh has stated that accused, in company with others, set out about the 2nd January for an abortive dacoity in the Doaba from Sant Gulab Singh's Dharmsala; and his visit with Mula Singh to that Dharmsala is corroborated by Sant Gulab Singh himself, P.W. 97. Accused denied having been present at a meeting of conspirators at the Virpali Dharmsala when a plan was discussed of bringing up Bengali bomb expert, though he admitted having once visited that Dharamsala but against him is the evidence of Mula Singh and P.W. 99. P.W 125, who is incharge of the Virpali Dharamsala, identified accused on Jail parade, but was not sure about him in court; however he mentions a Balwant Singh visiting the Dharmsala along with Mula Singh (known to the witness as "Punjab Singh"); and says that after Mula Singh's arrest, that Balwant Singh came and forced the lock of the Chauk Moni house with exhibit P.180 B (lent him by the witness), he broke open an almirah, and removed the pistol, exhibit P.25 E. As regards the dagger, exhibit P.30 A. (shown by a slip on page 390 as exhibit P.38), accused has denied that it was ever in his possession — it is the long Afgan Knife said by Mula Singh to have been made over to him by accused Nidhan Singh — but we have the evidence of P.W.72, the spy, that this accused brought it to his house No. 1 on the 19th February; and it was one of the articles found in that house when the accused with others was arrested there that day. There seem no reasons why the spy should have invented this piece of evidence against this accused. The spy also asserts that accused was present at meetings in house No 1 on February 15th and 16th. Again, Mula Singh has implicated accused in respect of unsuccessful dacoities at Chabba and Jandiala about the middle of January; Sucha Singh and Mula Singh have asserted that he took part in the dacoity at Sahnewal (armed with a pistol); and Mula Singh, Sucha Singh and Umaro Singh have implicated him in the Mansuran dacoity; Sucha Singh also stating that accused helped to bury part of the silver loot from Mansuran in a garden. Then, we have Mula Singh's

statement that the accused brought 100 cartridges from accused Baj Singh; and that he sent accused to Wisakha Singh (accused No. 80) of Dadher with 3 pistols -the history of which is related in another portion of this judgment. The same approver has also stated that accused was present at a meeting at Sant Gulab Singh's Dharmsala on February 13th, 1915, and was informed that February 21st had been fixed for a general rising. P.W. 16, Deputy Superintendent of Police Liaqat Hayat, tells us that as early as February 25th approver Mula Singh stated that he had sent 3 pistols through this accused to accused Wisakha Singh; and we have the statement of P.W. 195, Inspector Amar Ali re the statement of Wisakha Singh's uncle, to the effect that accused had brought the box, exhibit P. 86, containing (when produced) the automatic pistol and revolver, exhibits P. 48-49. Further discussion of the recovery of these articles will be found in accused Wisakha Singh's separate case. P.W. 17(Inspector Ahmad Khan), P.W. 70 (a Zaildar) and P.W. 80 (Lambardar) speak as to the recovery of 5 rifle cartridges from accused's house; and P.Ws. 227 and 230 (two students) have identified him as paying a visit to approver Sucha Singh. The latter of these two witnesses says that the visit took place the day before the Sahnewal dacoity; and that accused was in the company of accused Kartar Singh and Ram Rakha (absconder). It will be borne in mind that in the Sahnewal dacoity of January 23rd, 1915, one Khushi Ram was murdered, and other persons were injured; whilst in the Mansuran dacoity of January 27th, five persons were injured, mostly by bombs.

Accused has given a most inadequate explanation as to how he came to be arrested in house No.1 on 19th February. According to his story, he reached Lahore by train that afternoon, and walked about the city, as he wanted to get "something". Searching for somewhere to spend the night, he chanced upon the shopkeeper who lives in the bottom part of house No.1. He has not produced the shopkeeper, nor any other witness; and his story is absurd. In our opinion, there is abundant trustworthy evidence against this accused; and his connection with the conspiracy, his share in two dacoities (in one of which murder was committed), and his other criminal acts are apparent.

On consideration of the above evidence, we convict this accused of offences under the following sections of the Indian Penal Code:— 121 (abetment of waging war), 121A, 122, 395, 396, 398 and 302/ 109. We sentence him to be hanged by the neck till he be dead;

and we order that such of his property as is liable to confiscation be forfeited to Government.

(6) Banta Singh, *alias* Balwant Singh, son of Buta Singh, of Sangwal, Police Station Kartarpur.

[Absconded, but was arrested in July 1915 and convicted in the Nangal Kalan Murder and the Walla Bridge Cases, Sentenced to death. — Eds.]

Banta Singh

(7) Bakhshish Singh, son of Santa Singh, of Gilwali, Police Station Sadar, Amritsar, Jat, aged 26.

This accused pleaded, "Not guilty" to the various charges framed against him (page 493); and the main allegation against him is that he took part in the Chabba dacoity on February 2nd, 1915, and was one of the four persons who actually murdered Beli Ram in the course of that dacoity. He was arrested in his village on February 9th by Zaildar Gurbaksh Singh (P.W. 124).

He was identified on Jail parade of the 18th April, and in court, by Udham Singh, approver, and 13 other prosecution witnesses have been produced against him. Udham Singh, against whom no reason for enmity has been alleged, and who was not cross-examined, has stated that this accused is a cousin of accused Wasawa Singh (also of Gilwali); and that he first met him at Wasawa Singh's house towards the end of December 1914, when on his way to Amritsar about a case (vide page 228). He further says that towards the end of January this accused came to his village along with accused Harnam Singh of Sialkot trying to collect men for a dacoity at Chabba; and informed him that Wasawa Singh would be unable to help actively in such a dacoity, owing to his having been put on security. The approver says that he made over to accused Rs. 80, which were due to P.W. 185, Suba Singh; and that when the Chabba dacoits assembled at a well shortly before the dacoity, this accused along with accused 75, 76 and 81, proclaimed that Beli Ram must be killed (page 230-4). He goes on to say that this accused along with accused 75, helped to beat Beli Ram unconscious and to burn certain bonds; after

which the accused with three others returned into Beli Ram's house and deliberately murdered him with dhangs. After the dacoity accused carried away a bundle of stolen ornaments, which was made over to him by accused Khushal Singh, who had been injured.

In corroboration of this story we have the evidence of the Zaildar (P.W. 124), who has stated that after his arrest the accused named to him 16 men as Chabba dacoits, including Prem Singh (still absconding). In another portion of this judgment we have ruled on the admissibility of this evidence (the Defence Counsel relying on 14 Punjab Record Criminal of 1911). This witness was not cross-examined as to any reason for enmity; and the only thing suggested against him in accused's statement (page 399) was that the Zaildar was "given to giving false evidence." The witness is probably mistaken in saying that accused named approver Mula Singh as one of the 16 dacoits (Udham Singh, at page 230, has also told us that there were 16 men); but the mistake is easily explained. It was Mula Singh who helped to organize this dacoity; and we find that accused told the Zaildar that the booty was to be divided at Sant Gulab Singh's Dharmsala in Amritsar. From P.W. 16, Liaqat Hayat, Deputy Superintendent of Police, we learn that it was this accused who first gave the Police a clue to Mula Singh's residence in the Baba Atal quarter, Amritsar; and that accused was absent from his village for a week after the dacoity. P.Ws. 156,183 and 185 (Suba Singh) corroborate Udham Singh, approver, about the Rs. 80 (not very important, but going to show that this approver is not telling a concocted story), and P.W. 195 mentions this matter also, and states that Mula Singh identified accused at Padri on March 19th as a Chabba dacoit. P.W. 184 corroborates Udham Singh re accused coming with Harnam Singh of Sialkot wanting men for a dacoity-the witness is, no doubt, a cousin of this approver. We do not wish to attach any special importance to the alleged production of a shoe by accused from a *chappar* at a Gilwali well. P. Ws. 152 and 153 (accused's own grazier and servant) corroborate the approver on the point that accused Surain Singh (No. 75) of Gilwali and some 7 others came to accused's well at midnight some 15 days before the Chabba dacoity; the witnesses were given to understand that those persons were on their way to the Amawas fair; and have explained how they were got out of the way. We have P.W. 141, son of the murdered Beli Ram, to the effect that accused's land was mortgaged to deceased; and we have P.W. 161, the Chabba Patwari, who thinks that accused was one of three Sikhs with

accused No. 75 in Amritsar when there was a talk about debts owing to Beli Ram, and a remark was made that "Beli Ram would be repaid in full within a week."

Accused has, of course, denied making any confession to the Zaildar; but we see no reason to doubt this evidence. Though he denied that accused Wasawa Singh and Surain Singh came to his well, he admitted that certain persons did come there on the way to the Amawas fair. He admitted that his land had been mortgaged to Beli Ram; but urged that the mortgage had been redeemed-however some bitterness, no doubt, remained, supplying a motive for accused to join the other murderers. Accused produced 8 Defence witnesses.

D.W. 21 is a Police Maharrir of the Sadr Thana at Amritsar. His evidence does not support the suggestion that Mula Singh, Udham Singh and the accused had opportunities for intercourse at the thana. D.W. 31 (accused's cousin) supports accused's story that people on the way to the Amawas fair stop at accused's well. D.Ws. 26 and 27 (both related to accused). Insert that on the day of the dacoity accused was in their village grazing catrle; this is the usual alibi evidence, and no reason has been shown why accused should have had to graze his cattle in their village. D.W. 28, 29, 32 and 33 (Zaildar Pal Singh, who was also P.W. 156) have been produced in an endenvour to discount the evidence of Gurbaksh Singh, Zaildar. D.W. 23 (accused's cousin) has apparently attempted to make out that Gurbaksh Singh did not arrest this accused; was not in the investigation at Gilwali; and that accused had no opportunity of confessing to him. However, Zaildar Pal Singh (who admittedly stood security for accused Wasawa Singh, and whose obvious bias is entirely in favour of accused) has been obliged to admit that Gurbaksh Singh was in the Gilwali investigation, and did accompany accused to Amritsar.

Accused's Counsel could say but little on his behalf; and could really only suggest that Udham Singh, approver, might, perhaps, have been substituting accused's name for that of some other person. We see no reason whatever to suppose so.

There is, no doubt, but little evidence to connect this accused with any conspiracy; but we see no reason to doubt that he was one of the Chabba dacoits, and one of the actual murderers of Beli Ram. As we held in another portion of the judgment, where there is no direct evidence of conspiracy, we are justified inferring it from surrounding circumstances. All dacoities were organized to furnish funds for the aims

of the conspiracy. This man yielded to the temptation readily. Mula Singh organized it, and, under the circumstances, we must hold that the Chabba dacoity was one of the series of acts in furtherance of a design of the conspiracy.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A, 122, 396 and 302/109 of the Indian Penal Code. We sentence him to be hanged by the nect till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

(8) Bhan Singh, son of Sawan Singh, Jat of Sunet, Police Station Ludhiana, aged 40 years.

Bhan Singh

This accused is a returned emigrant; and was one of the passengers by the ss. "Korea" and "Tosha Maru," who reached Calcutta on October 29th, 1914.

He pleaded "Not guilty" to the various charges framed against him (page 495). The evidence against him consists of the statements of approvers Mula Singh, Nawab Khan, Sucha Singh, Jwala Singh and Umrao Singh. Sucha Singh and Jwala Singh identified him on Jail parade of April 24th; and Mula Singh, Nawab Khan and Sucha Singh identified him in Court (the first of these said that he *thought* accused's name was Bhan Singh), Nawab Khan was not present at any Jail parades, and Umrao Singh (having been in court during a large part of the trial), was, of course, not called on to identify accused.

Approver Mula Singh has stated that he first saw accused in San Francisco when the "Korea" was about to sail, and that he was one of those intending to return in order to take part in the revolution. He never afterwards saw accused in India, and has not tried to press the case against him. According to Nawab Khan, this accused was one of his group of 16 revolutionists (vide pages 126 and 129). This witness, apparently, only once met accused after his arrival in India, that is, after the accused's release from internment in Montgomery Jail at the end of November 1914 — and then suspected him of being a Government spy; presumably, on account of his speedy release. The approver Jawala Singh, (page 115)

says that this accused was one of three men from the "Tosha Maru" who visited the "Mashima Maru" at Hong Kong, when seditious lectures were delivered and a future meeting at Amritsar arranged. The approver, Umrao Singh, has stated that he and accused worked together at Fowler in August 1914; that accused attended the Frenso meeting of the 9th or 16th August; and that accused left to join a ship in the very dangerous company of accused Pirthi Singh, and was seen by the witness at the *Ghadr* Press in Frisco on August 28th, 1914. Sucha Singh, approver, has said that he first met accused in the company of Dalip Singh (the approver who died of cholera during the trial) at Ludhiana; and that at the Boarding-House there accused recited from memory (*vide* cross-examination) verses from the "*Ghadr di Gunj*." This witness was able to show us the actual verse on page 29 of exhibit P. 6 (the record, by a slip shows the exhibit as P. 29). He has further stated that accused said, that, if only a few bombs were available, guns could be obtained from the Police, and that the mutiny ought to be expedited. It is, of course, very noticeable that not one of these approvers has been cross-examined as to enmity against this accused. The accused in his statement (page 437) denied even knowing accused Pirthi Singh, and denied having gone on board the "Mashima Maru" — but we can see no reason why the approvers should have invented this evidence — nor why Sucha Singh should have concocted the story of the reciting of verses. He could only suggest that Sucha Singh had been able to identify him, because that approver had seen him in handcuffs and had talked with him after his arrest. He gave as an explanation for absenting himself from his village that he had the *Lambardar's* permission to go to Amritsar to bathe and buy things for his son's wedding — in spite of which the *Lambardar* reported his absence, which led to his arrest on February 22nd or 23rd. His seven defence witnesses are D.Ws. 175 to 181 inclusive. Besides giving evidence as to character, they support his reasons for leaving his village — giving the purchase of *ghi* as the object. Their statements did not strike us as convincing.

Accused's Counsel has urged his inability to produce witnesses from America to prove that accused could not have attended any meeting there; and has urged that Mula Singh only mentioned him (page 92) when a list of names was read out to him; but as we have said, Mula Singh has not tried to exaggerate the case against him. In cross-examination (page 120) Jwala Singh stated that he had identified accused in the presence of Mr.

Tomkins (Deputy Inspector-General of the Criminal Investigation Department), and had spoken to him in Chinese; and on this and the accused's own explanation as to how Sucha Singh came to know him, his Counsel has argued that Jwala Singh and Sucha Singh have dragged this accused into the case simply to please the Police. We are certainly not prepared to agree with this proposition.

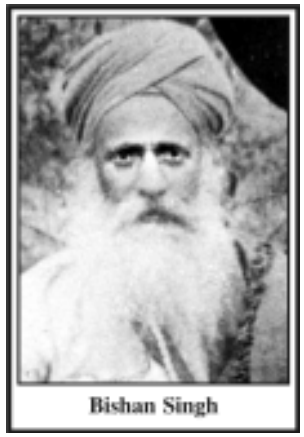
We are of opinion that the accused Bhan Singh left America with revolutionary intent, and that he retained his opinions after his arrival in India; but it must be said in his favour that it does not appear that he took any very active part.

On consideration of the above evidence, we convict, this accused of an offence under sections, 121, (abetment of waging war), and 121A Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

We, however, strongly recommend a reduction of the sentence; and that the order of confiscation be not enforced.

[Deported to Andemans on 29th October 1915; tortured to death in the jail on 2nd May 1918; Prisoner No. 38511. Among the seven heroes of Cellular Jail specially honoured in the Jail Premises. His Martyrdom saga has been narrated by Baba Sohan Singh Bhakna in 'Jeewan Sangram', 2013 Edition on page 60. His co-villagers have built a befitting memorial in the village. — Editors.]

(9) Bishen Singh, son of Jowala Singh, *Jat*, of Dadhir, Police Station Sirhali, District Amritsar, aged 30.


Bishan Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 497), admittedly reached India from Manilla on January 7th, 1915, by the ss. "Katana Maru" on which ship also travelled accused Hazara Singh, Wisakha Singh, Baj Singh and Kehr Singh. The reason given by accused for his return is that "things were not going properly at home."

He was identical on Jail parade of April 18th and in court by P.W.

72, Kirpal Singh (the Police spy) and also by P.W. 112, Nikka, *dalal*. This last witness and P.W. 110 (the detective) have mentioned accused as one of those present at Nanak Singh's *chaubara* in Amritsar on January 11th, 1915, and accused himself has admitted going straight there on arrival with accused Hazara Singh, Wisakha Singh and some 15 others, though he denied that any funds were collected there, and asserted that he had never known accused Nidhan Singh until that accused was brought into court. We have the statement of P.W. 195 (Inspector Amir Ali) that the spy mentioned this accused to him in connection with bombs; but, of course, the real evidence against this accused is the statement of the spy himself, whose credibility has been discussed in another part of this judgment. Kirpal Singh has stated (page 185) that at an Amritsar conspirators' meeting of February 14th accused Nidhan Singh said that there were 3 bombs and 3 revolvers at Dadher and Marhana with this accused and others, and has stated how on February 18th he met this accused and accused Hazara Singh (whom accused calls a distant relation) at Dadher, and made over a flag and some seditious literature; how it was arranged to loot the Lopoke *thana* on the 20th (a suggestion made by the spy himself with the approval of the Police authorities in order that he might both ingratiate himself with the conspirators, and also get a number of them collected in one place) and then proceed to Lahore for the proposed rising on February 21st; and how accused was one of those who made over to him 3 inkpot bombs, some small glass phials and a bottle containing acid, exhibits P. 35 and P. 146. This witness frankly admitted in cross-examination that he had never seen accused until the 18th February; and a point going to prove the truth of his story is that he has not attempted to make out that accused Wisakha Singh was present in the village on that occasion. The accused in his statement has denied even knowing the spy; and no reason is apparent why the witness should be anxious to implicate him falsely. The accused made a futile attempt to explain how it was that the spy could identify him, and could only suggest that an informer always tries to gain credit; but the spy's plucky actions at Lahore on 19th February would have been quite sufficient for this purpose, without his going out of his way to falsely implicate persons at Dadher or Marhana, whom he did not know before, and who did not even know how far his village is from theirs. On a question of identification we had this accused and accused Hazara Singh placed side by side in court, and noted some facial and general resemblance.

The Defence witnesses numbered 13; all except one being men of accused's own village. The statements of D.W. 106 and D.W. 93 that accused never left his village. The statement of D.W. 106 and D.W. 93 that accused never left his village is negatived by the evidence of D.W. 107 (Sub-Inspector of Sirhali), who has stated that accused's absence was noted in his History Sheet. Accused's brother (D.W. 92) has stated that accused returned from America in response to letters recalling him for domestic affairs. The other defence witnesses are D.Ws. 116 and 90 to 90 inclusive — D.W. 94, the *Lambardar*, being related to accused. Their evidence is obviously based on a statement made by the accused, and on the spy's allegation (page 187) that he met accused on the 18th February at the Dadher *Gurdwara*. These defence witnesses have been produced to prove that at that time the two *Sants* of the *Gurdwara* were away on a pilgrimage, and the *Gurdwara* was locked — *ergo*, the spy could not have met accused there. But the witnesses are hopelessly discrepant — some try to make out that there is only one *Gurdwara* in the village, others, that there are two *Gurdwaras* of which one is not used; while D.W. 99 has stated that there are two *Gurdwaras*, and that the two *Sants* live sometimes in one, and sometimes in the other, and control both. Such evidence carries no conviction whatever.

Accused's Counsel has urged that his client had nothing to do with the American conspirators, and did not return on any ship with them; but it seems clear enough that he was in the conspiracy in India. Counsel has asked why the spy should have named all five men of Dadher, but the obvious answer is that he had been told of them as men whom he could safely approach. He was not questioned as to whether he had told the witness, Liaqat Hayat, at Amritsar about the bombs; but the presumption is that he did, since we find that he was constantly reporting his progress. Then again, Counsel has suggested that, the bombs found in house No. 1 on the 19th February may have been some brought from Mula Singh's house in Amritsar; and has asked why, if they were given to the spy for the intended raid on Lopoke *thana*, he should have brought them to Lahore? The obvious answer is that the Lopoke raid was never intended by the spy to come off; that he had to take the bombs somewhere; and that his taking them to house No. 1 was an act calculated to re-assure the conspirators there regarding himself. We need hardly discuss the trivial discrepancy that whereas Amar Singh, approver, has

stated that the acid bottle was said by the spy to have been "broken" the spy has stated that the contents got spilt — the bottle itself is exhibit P. 146.

Finally, as the Crown Counsel has pointed out approver Amar Singh has mentioned the spy's arriving with 3 bombs, and Mula Singh spoke of having sent 3 pistols to accused Wisakha Singh, and we have evidence of one pistol being produced by accused Kehr Singh of Marhana, and 2 by the uncle of accused Wisakha Singh of Dadher.

In short, in our opinion, the connection of this accused with the conspiracy in India has been proved; and we find him returning from Manilla (where there exists a branch of the *Ghadr* Party) in no good company.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 122 and 121A of Indian Penal Code. We sentence him to undergo transportation for life; and under the first two sections, order that such of his property as is liable to confiscation be forfeited to Government.

(10) Bishen Singh *Pehlwan*, son of Kesar Singh, *Jat*, of Dadher, Police Station Sirhali, District Amritsar, aged 30. (Nephew of Baba Wasakha Singh (80) and a *Komagata Maru* passenger who was injured in the firing at Budge-Budge on 29.9.1914 — Eds.)

Bishan Singh *Pehlwan*

This accused, who pleaded "Not guilty" to the charges framed against him (page 499) was admittedly one of the "Komagata Maru" passengers, who was interned on arrival in Calcutta in September 1914, reached his village on January 27th, 1915, and was there restricted (P.W. 117, *Lambardar* of Dadher).

P.W. 116 (another *Lambardar*) has stated that accused returned in company with the other Bishan Singh (accused No. 9), Wisakha Singh and Hazara Singh; and Mula Singh, approver, has merely identified him in court as "having been in the Shanghai Police". The absence of

approver's statements against the Dadher accused in this case is quite against the theory that they have been falsely dragged in for no apparent reason.

As in the case of accused No. 9, the case against this accused rests upon the evidence of the Police spy Kirpal Singh, P.W. 72; and we need not repeat our remarks concerning his evidence. *Mulatis mutandis*, was adopt all our remarks in the case against accused No. 9 which my apply to the case of the present accused. This accused also, in his statement at page 362, denied having even known the spy; but could not suggest that he had been implicated in the present case on account of his previous indifferent record, which had (he said) gained him the dislike of Sub-Inspector Aziz Din. The statement of D.W. 106, that accused never left his village after his return, is negatived by D.W. 107; and D.Ws. 95 (related to accused) 97, 99, 100 and 101 have been produced in an endeavour to prove enmity on the part of the Police. D.W. 95 (*Lambardar* of Dadher) states that accused Wisakha Singh told him that he had refused the request of certain Police officials that he should place a pistol in this accused's house; but the witness has had to admit that, though the Deputy Commissioner and the Superintendent of Police visited the village, no complaint of Police tyranny was ever made to them. The witnesses D.W. 116 and 90 to 99 inclusive give the same ridiculous statements regarding the alleged locking up of the Dadher *Gurdwara*as they did in respect of accused No. 9, and we need not repeat our comments on their evidence. No judicial records have been put in to prove any enmity on the part of Sub Inspector Aziz Din, and there is nothing to show that he was connected with the present case.

Our conclusions regarding this accused are similar to those arrived at in the separate case of the other Bishan Singh, accused No. 9.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 122 and 121A of Indian Penal Code. We sentence him to undergo transportation for life; and, under the first two sections, order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans on 29th October 1915. Prisoner No. 38185. Was super-heavy weight, known as 'Pehlwan', the wrestler; once openly challenged the jail staff to touch him at the risk of their lives. Expired in 1953. — Editors.]

Bir Singh Bahowal

(11) Bir Singh *alias* Vir Singh, son of Bura Singh, of Bahowal, Police Station Mahilpur, District Hoshiarpur.

[Absconded, but was arrested and tried in the Supplementary Lahore Conspiracy Case. Sentence to death. — Editors.]

(12) Buta Singh *alias* Kala Singh, son of Sher Singh, of Akalgarh Khurd, Police Station Raikot, District Ludhiana.

[Absconded, but was arrested and convicted in the Nangal Kalan murder case and hanged in August 1915. — Editors]

(13) Chuhar Singh, son of Buta Singh, *Jat*, of Lilan, Police Station Rai Kot, District Ludhiana, aged 40.

Chuhar Singh

This accused, who pleaded "No guilty" to the charges framed against him (page 501), apparently returned from Hong Kong some 4 years ago on account of the death of his son (*vide* his statement at page 438). He was arrested on February 22nd, 1915, by P.W. 391(a C.I.D. Inspector). This accused is alleged to be one of the group of Rabhon dacoits. He was identified on Jail parade of April 18th by approver Narain Singh and the witness Ichhar Singh (who cannot be called an approver), and on Jail parade by P.W. 269. Also, in court by Narain Singh, Ichhar Singh and Ichhar Singh's son (P.W. 264). It is also important to mention that he is spoken of in the retraced confession of accused Nand Singh, the value and admissibility of which have been elsewhere discussed in this Judgment. In the Rabbon dacoity of the 3rd of February 1915 no one was killed, though two persons received hurts.

P.W. 198 Ichhar Singh has admitted (page 255) that this *accused is the son-in-law of his uncle*. He tells us that the accused was one of those who agreed to help in a projected attack on the Military Bridge Guard at Doraha, the intention being to obtain rifles. This intended attack has also been mentioned by Nawab Khan approver, at page 140 of the Official Record, and apparently was found impracticable because bombs were not available at the time. Corroboration of this part of Ichhar Singh's story is afforded by the apparently quite independent witness P.W. 269. This same witness also tells us of a suggestion of a dacoity at Rajoana, thereby corroborating Ichhar Singh and approver, Narain Singh. Ichhar Singh tells us that this accused (who, he says, was "fully aware of the nature of our society") went with others for a dacoity at Rajoana to get money for making bombs, but the dacoity failed. Jwala Singh, approver, has said that this dacoity came to nothing on account of the Badowal meeting. The intention to assemble at Doraha is also mentioned by the witness, Udham Singh of Hans (P.W. 268). For Ichhar Singh's statement pages 255-257 should be seen. Both Ichhar Singh and Narain Singh implicate this accused in abortive attempts at dacoity at Rabhon, and in the actual Rabhon dacoity of February 3rd. Approver Narain Singh was himself present at this dacoity, and, according to him, the accused went to it provided with a *sabbal*, and afterwards left with two others on a camel, carrying the Rabhon loot. One of the two others (page 266) was the dangerous criminal, accused Gandha Singh (absconder); and, according to Narain Singh, this accused was present when Gandha Singh proclaimed that the object of the dacoities was to get funds and arms to fight against Government. P.W. 264, son of Ichhar Singh, has mentioned accused as a Rabhon dacoit, and the independent witness P.W. 269 (cross-examination of whom only elicited the reply that the witness had known accused for 8 months) has told us how accused Sewa Singh invited him to Ichhar Singh's house at Lohatbadi on the pretext of hearing a reading of the *Granth Sahib*; how he found this accused and others there, and was treated to a harangue and discussion about suggested dacoities at Rabhon, Jhaner, Rajoanaa and Doraha. Approver Narain Singh, who stated in cross-examination that it was at the Rajoana attempted dacoity that he first met this accused, has asserted that the accused was the man *who returned to the Rabhon Khatrani some of her money*. An attempt was made in cross-examination to show that P.W. Ichhar Singh was made in cross-examination to show that P.W. Ichhar Singh was an enemy

of this accused; but all that appears is that they are not on *Bartwara* terms; and that Ichhar Singh once had a case with one Bir Singh, a connection of accused. Then we have accused Nand Singh's retracted confession, greatly implicating this accused (*vide* pages 420, 421, 422 and 424 of the record). He mentions accused in connection with dacoity work, and largely in connection with the absconding Gandha Singh and bombs and bombs material. On page 422 he speaks of this accused supplying a sodawater bottle which Gandha Singh broke up to put into bombs; and exhibit P. 264, discovered by accused Nand Singh from the *patri* near Doraha Railway Bridge, consisted of 6 *lota* bombs loaded with broken glass and chemicals. We also have evidence of his association with the Anarkali murderer.

Beyond alleging enmity with Ichhar Singh, witness, accused could only make a general denial, coupled with the assertion that he did not even know accused Nand Singh whose very lengthy and detailed confession was recorded by a Magistrate on April 6th and 7th, 1915.

Accused was unfortunate in his first defence witness, D.W. 162 (*Lambardar* of accused's village), who described him as a No. 10 Register *badmash*, who had now reformed. D.W. 190 (accused's brother-in-law, residing in a different village) attempted to contradict this; but made the valuable admission that Ichhar Singh was neither a friend, nor an enemy of accused. D.W. 191 (a *Lambardar* of Lohat Badi) has simply stated that he did not see accused in his village during the previous 6 months; and has spoken of civil litigation between Ichhar Singh and a relation of accused — the judicial records, however, have not been produced. D.Ws. 193 (of accused's village) an 194 (a *Zaildar* of Patiala State — a relation by marriage of accused) have attempted to give accused a good character, but can only say that they do not know whether he was good character, but can only say that they do not know whether he was ever on No. 10 Register. Lastly, D.W. 192 (a *Mahant* of a different village) has said that he sometimes lives at accused's village, and saw him there at the time of the Rabhon dacoity — an extremely weak attempt to prove an *alibi*. Counsel for the Defence has really been able to say very little on behalf of his client. P.W. 269, he calls an "accomplice", simply because that witness did not at once go and report to the Police. He asks why *Mussammat Sardi* of Rabhon did not identify this accused as the man who returned her some of her money? — she did, however, make mention of the return — and had there been any desire to concoct false evidence,

there would have been no difficulty about tutoring her to identify the accused. We have a bald assertion that the "Ludhiana Defence witnesses have been tampered with" (some of them were given up); and a general objection to the evidence of Ichhar Singh and the confession of Nand Singh, accused. Taking all the evidence into consideration, we see no doubt that this accused was not only a Rabhon dacoit, but also a conspirator.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A, 122, 393, 397, 398 of Indian Penal Code; and sentence him to undergo transportation for life and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans on 29th October 1915. Prisoner No. 38825. — Editors.]

(14) Dalip Singh, son of Kesar Singh, *Jat*, of Ghanori, Patiala State.

This accused, as shown at paragraph 22 of the complaint (page 11) was only set forth as having taken part in the Jhaner dacoity as an ordinary local dacoit, without having a knowledge of its ultimate purpose — namely, the getting of funds for the conspirators — and the only charge framed against him was one under section 395, Indian Penal Code, to which he pleaded "Not guilty", of being concerned in the dacoity at Rabhon on February 3rd. At the time when the complaint was drawn up, it was not exactly known whether he was a Jhaner or Rabhon dacoit. He has been tried along with the rest of the accused in accordance with the Rules framed under the Defence of India Act. In the Rabhon dacoity no one was killed, though certain persons received hurts.

Accused was identified on Jail parade and in Court by approver Narain Singh, and witnesses Ichhar Singh (P.W. 193), P.W. 254 and P.W. 315 (*Mussammat* Sardi of Rabhon).

P.W. Ichhar Singh has not tried to exaggerate the case against accused. Though he has stated that accused took part in the Rabhon dacoity, and received Rs. 220 (in silver bars) as his share out of the Rabhon and Jhaner loot, he has admitted in cross-examination that the accused was not present at the discussions *re* dacoities. This witness was, of course, not actually present in either of these dacoities (*vide* page 261). Approver Narain Singh, who says that he first met accused in

Patiala territory, tells us (page 262) that accused came to his village about January12th along with Kalu, Khatri — and went on to Rabhon, when accused told the approver that a rich *Khatrani* was to be looted. In subsequent pages of his statement this witness tells us of the various abortive attempts at dacoity at Rabbon, culminating in the successful dacoity, in which the accused took part armed with the *takwa* (*exhibit* P. 234); afterwards getting Rs. 220 (in silver bars) as his share of the loot (page 267). Cross-examination of this witness only elicited the reply that it was through this accused and Ichhar Singh that this approver's name became known to the Police. P.W. 254 (a resident of Maler Kotla State), and P.W. 255 corroborate the story that Narain Singh came with this accused trying to borrow a camel; and neither of these witnesses was cross-examined as to any reason for giving false evidence. P.W. 256, who has frankly admitted that he cannot identify accused, has stated that a man of accused's name came with Narain Singh to Khanpur — thus corroborating that part of Narain Singh's statement. Both P.W. 264 (son of Ichhar Singh) and P.W. 315 (*Mussammat* Sardi — the *Khatrani* whose house was looted) have implicated accused as a Rabhon dacoit, and P.Ws. 334 and 352 give evidence as to his capture on February 9th. The witness, P.W. 352, is a Sub-Inspector of Maler Kotla State, and tells how through the agency of Kalu, *Khatri*, he captured this accused along with accused Hari Singh in possession of 8 and 6 silver bars respectively; this accused being also in possession of the *takwa* head, *exhibit* P. 234. The 8 silver bars are *exhibit* P. 223 B.

Accused in his statement (page 439) admitted his arrest along with accused Hari Singh and 14 bars of silver — though he asserted that the *takwa* head had been introduced by the Police. His story that the silver bars were made over to him by Narain Singh, approver's uncle, to convey to Ghanouri is utterly unconvincing, as is his statement that he happened to fall in with accused Hari Singh (a stranger) on the way. According to his statement he only told the Police that Narain Singh had given him the silver bars, and did not implicate him as a dacoit — and this discounts his counsel's suggestion that Narain Singh has implicated him because accused gave him away. The accused, after producing the *Lambardar* of his village (D.W. 201), who could only state that accused had been away from the village for 1½ years, and had never previously been punished, gave up the remainder of his Defence witnesses. An additional piece of evidence corroborative of the Prosecution case is the fact that the silver bars have

been found to fit the moulds found on the witness Ichhar Singh's premises. We are, of course, prepared to agreed with accused's Counsel that the trial of his client along with the accused, who are conspirators, must not be in any way allowed to prejudice his client, and we shall deal with him simply as a Rabhon dacoit, of which fact there is ample proof.

On consideration of the above evidence, we convict this accused of offences under sections 395 of the Indian Penal Code, and sentence him to 7 years of rigorous imprisonment.

(15) Dewa Singh, son of Sahib Singh, of Nandpur, Police Station Sahnewal, District Ludhiana, aged 36.

This accused, who pleaded "Not guilty" to the charges framed against him (page 505), admittedly keeps a shop in Ludhiana where sporting gear (such as cricket material, etc., required by students) is sold — *vide* his statement at page 466 of the record. He was identified on Jail parade of April 24th by approver Sucha Singh and the witness Ichhar Singh (P.W. 198); and before Court by the same two persons, and the approver Nawab Khan (who simply said he had seen him somewhere, but did not know his name), and by P.Ws. 227, 228, 230, 231, 268, 281 and 355.

P.W. Ichhar Singh clearly stated that he did not identify accused in connection with the present case; and the main evidence against him consists in the statement of the approvers, *Sucha Singh* (P.W. 207) and Umrao Singh (P.W. 361). The approver, Sucha Singh, stated (page 270) that when he *became Captain of the Ludhiana Khalsa High School cricket team* in 1914, he made this accused's acquaintance. On page 271 he says he made over a copy of the *Ghadr di Gunj* to accused, who passed it on to accused Kehr Singh, absconder; and he first meets the approver, Umrao Singh in the company of this accused and Kahn Singh, seditionist. He says that accused once deputed him to go to Jhabewal (where the bomb materials were ground); and on another occasion gave him Rs. 5 (to purchase bomb materials) and also a tin inkstand, which the witness lost. On another occasion the accused told him he had got 7 *seers* of *mansal*, and was present when accused Nidhan Singh made over to the witness 15 *seers* of *mansal* in a gunny-bag to take to Jhabewal, which the witness buried close to Jhabewal. In cross-examination (page 285) this approver said that accused had never accompanied him to a dacoity; that accused usually came in the company of Kahn Singh, and that he (the witness) and his companions at one time suspected both accused and Kahn Singh of being Government

spies. He stated that the 15 *seers* of *manals* formed part of 36 *seers* which were required at Jhabewal, and that accused Kirpal Singh was present when the Rs. 5 were given; but he denied that accused had ever lent him any money. He could not recollect whether he had told the Police about the 7 *seers* of *mansal*, and said that accused had been released after his arrest. According to this witness, the accused attended a conference at his abode, at which the important accused, Kartar Singh, and the Anarkali murderer were also present.

The approver, Umrao Singh, corroborates as to accused's bringing chemicals to Jhabewal; and states that accused was present when he bought a bottle of sulphuric acid at Bela Ram's shop in Ludhiana, and that Sucha Singh was also present. This is not explicitly mentioned by Sucha Singh; but he does mention the obtaining of sulphuric acid. Approver Umrao Singh further states (page 337) that he and his cousin, Dalip Singh, went to accused's village of Nandpore, and took him on a camel to Sahnewal searching for accused Kehr Singh, absconder; and that Dalip Singh gave accused money for the purchase of *mansal*, inkpots and small lamps (*diwas*) to be made into bombs. We are unable to see why Umrao Singh should have desired to concoct this story against accused; and, as will be seen, there is corroborative evidence. P.Ws. 227, 228, 230, and 231 are students who corroborate regarding the visits of accused, along with Kahn Singh, to Sucha Singh. P.W. 233 (a shopkeeper of Rai Kot) states that on one occasion the accused came and left some books, and a bundle in a gunny-bag at his shop, which Dalip Singh of Jhabewal subsequently removed. The suggestion for the prosecution is, of course, that the gunny-bag contained *mansal*. P.W. 235 (of Sahnewal) corroborates the allegation of the visit to that village on a camel in Sahnewal) corroborates the allegation of the visit to that village on a camel in search of accused Kehr Singh, absconder; and P.Ws. 240 and 241 give evidence regarding the 4 small lamps brought by accused and another man to be altered (so as to render them suitable for bombs). Two of these lamps are actually exhibits in this case — exhibits. P. 253 A and 253 B. One of these was actually altered by P.W. 240, as can be seen, and the other was given up to the Police by P.W. 241. The witness P.W. 267 is brother-in-law of the dead approver Dalip Singh; and he states that accused came to his village with Dalip Singh; and later with the important accused Nidhan Singh; and that accused on one occasion offered to teach one Santokh Singh of Ludhiana how to make bombs, and it is important to note that, though two Defence Counsel cross-examined

this witness, no question was ever put to him as to why he should wish to falsely implicate this accused. P.W. 268 (Udham Singh of Hans — the man who returned from Italy in August 1914, and who has admitted that he was himself invited to join in the rebellion) has stated that he volunteered to give evidence at the suggestion of this accused. P.W. 281 states that accused and Dalip Singh came to him, accused asking for two gun-caps, and making out that he was in a cavalry regiment. P.W. 355 mentions accused coming with another man when a discussion took place at which the Delhi "Rikab-Ganj" affair was spoken of as an act of injustice. P.W. 215 (a Ludhiana Sub-Inspector) has stated that there was never any intention of making this accused a Crown witness, and see the defence witness D.W. 85 (Mr. Donald) on this point. At page 271 approver Sucha Singh has mentioned meeting Kahn Singh, seditionist, and "Amli" (who was killed in the Jhaner dacoity), and being joined by this accused and Dalip Singh of Jhabewal, when a discussion took place to the effect that a warning should be sent to Nawab Khan's gang to disperse for a time.

Accused in his statement (page 466) denied even having seen a copy of the *Ghadr*, or having known *Amli*. He admittedly knew Sucha Singh. As regards the bundle in the gunny-bag, the accused stated that he had left some religious book at Bela Singh's shop, at the request of Sajjan Singh, *lambardar*, to be sent to Suda Singh, schoolmaster, of Amritsar. Umrao Singh, approver, accused stated he had never seen till in court. His story is that he used to visit Ludhiana on business, and that Sajjan Singh, *lambardar*, told him to let him know about returned emigrants, especially about accused Kartar Singh, and about the behaviour of boys in Ludhiana schools. He admitted meeting the witness, Udham Singh of Hans, and warning him about his behaviour, and suggesting his seeing the Superintendent of Police. He alleged enmity against approver Sucha Singh on the ground that he (the witness) was originally intended to be a Crown witness, and had been brought to Lahore for a Jail identification parade on 9th April 1915. The real case, in fact, put forward by this accused and his counsel was that he was a Government spy, and he asserted that Sub-Inspector Sheikh Hyder Ali, the Superintendent of Police, and Sajjan Singh, *lambardar*, could prove this. This assertion, however, is utterly discounted by the evidence of those very three persons who are defence witnesses. D.W. 157 (who was also P.W. 300), D.W. 85 (Mr. Donald) and D.W. 160 (the *lambardar* Sajjan Singh, who was also P.W. 326) says that accused once got 100 religious tracts, for which he has not yet paid; but the Amritsar

schoolmaster, Sada Singh (D.W. 161) has stated that, though the accused once told him he would send him religious tracts to sell, he told the accused that he had no time to do so; and he stated in court that he does not sell books, and that none from the accused ever reached him.

The Defence Counsel has argued that *paragraph* 46 of the complaint has not been proved; but we are unable to agree. It was, of course, impossible to produce Dalip Singh as approver, because he died of cholera during the trial; but we have good evidence regarding the purchase of chemicals, the lamps intended for bomb cases, and accused's dealings with students. It is also in favour of the prosecution that the approver Nawab Khan and the witness Ichhar Singh have not attempted to involve this accused in any way. Then it was urged that Sucha Singh was against the accused, because accused was a Police informer; but there is ample evidence that he was not; and the same remark applies to the objection taken to approver Umrao Singh's evidence. There is no ground whatever for the argument that the blame was cast on accused to save Dalip Singh, the dead approver; and, as regards the argument that there is "no evidence that accused ever joined the society" of conspirators, we cannot agree. His acts speak for themselves. In short, we must entirely discredit the suggestion that accused was ever a Government spy, who was intended to be a Crown witness, but who was made an accused in the case by the action of the Government Advocate. It is possible that he may have at some time thought of running with the hare and hunting with the bounds; but had he ever been genuinely on the side of Government in the capacity of an informer, he would certainly have not now been in the position he occupies.

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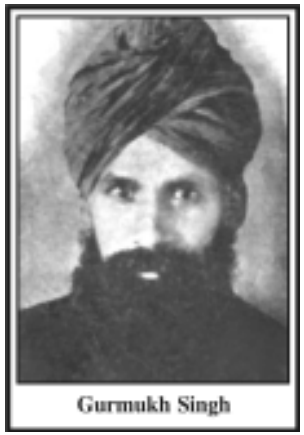
On consideration of the above evidence we consider that though it is probable that his acts do amount to an offence under section 121, Indian Penal Code (abetment of waging war), we should take a more lenient view. We convict this accused of offences under sections

122 and ; and sentence him to undergo four (4) years' rigorous imprisonment.

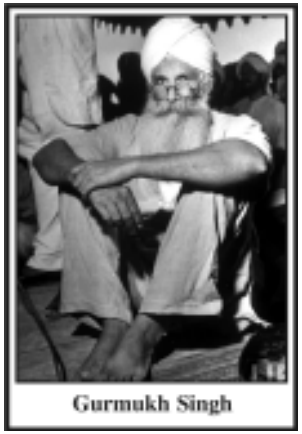
(16) Gandha Singh *alias* Bhagat Singh, son of Jawala Singh, of Kachar Bhan, Police Station Zira, District Ferozepur.

[Absconded, but was arrested and convicted for his share in the Ferozeshahr murder case and hanged. — Editors]

(17) Gurmukh Singh, *alias* Anoop Singh, son of Hoshnak Singh, of Lalton, District Ludhiana, aged about 30. (Komagata Maru)



Gurmukh Singh



Gurmukh Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 507), was admittedly one of the "Komagata Maru" passengers, who reached Calcutta on September 26th, 1914, and was interned, and released on December 3rd, 1914. He was afterwards restricted to his village but was admittedly arrested along with accused Parmanand II outside the Lahore House No. 2, on February 23rd, 1915.

He was identified on Jail parades by approvers Amar Singh, Sucha Singh, and P.Ws. 220 and 303 (who, however, failed to identify him in court). In court he was identified by Amar Singh, Sucha Singh, Mula Singh approvers and P.Ws. 28, 30 and 227. Apart from the question of conspiracy, the main allegation against the accused is that he took part in the Mansuran dacoity of January 27th, 1915.

Approver Amar Singh (page 75) mentions this accused as present along with other conspirators at the Baba Atal House in Amritsar during the first week in February, when this witness returned from Lahore with 3 revolvers with 3 revolvers and cartridges; and the same witness tells us that a day or two later accused left for an abortive dacoity in company with the Anarkali murderer, Banta Singh, absconder, Kirpal Singh, accused, and others, taking with them 3 revolvers and some inkpot bombs. He further mentions accused as at a conspirators' meeting at House No. 1 on February 15th from which the accused was sent with accused Nidhan Singh, and Harnam Singh of Jhelum with "*Ghadr-di-Gunj*" literature to prepare troops at Pindi, Jhelum and Hoti Mardan for local risings on February 21st. Approver Mula Singh (*vide* page 104) corroborates regarding accused's starting

for an abortive dacoity at Kartarpur (twice, he says), and he also associates accused with the attempts to seduce troops at Jhelum, Pindi, Mardan and Peshawar. Approver Sucha Singh, who knew accused as a student, states that he was present when Nidhan Singh made over chemicals to the witness for Jhabewal; that accused complained to him and accused Kartar Singh of the delay in starting the mutiny; and that accused was the actual person who pointed out to the Anarkali murderer the house to be robbed in Mansuran, afterwards taking part (unarmed) in that dacoity, and leaving for Badowal with accused Kartar Singh.

P.Ws. 17, 28 and 29 give evidence as to his arrest. P.W. 81 (a *Lambardar*) speaks as to accused's being restricted to his village, but leaving it after two months; his absence being reported; and P.W. 354 (Mr. Slattery of the C.I.D.) has identified the signature of Mr. Isemonger on an order dated 9th December 1914 (*vide* exhibit P. 293) to accused not to leave his village without permission of the Deputy Commissioner. This purports to bear the thumb impression of accused. P.Ws. 220 and 227 speak of accused visiting approver Sucha Singh. P.W. 303 identified accused on Jail parade as a Mansuran dacoit; and so did Umrao Singh, approver, who corroborated on the point that accused was the actual guide to the house to be looted, but said that he went armed with a pistol.

P.W. 30, who identified accused as his old school-fellow, stated that the accused visited him and told him about his "Komagata Maru" grievances, and suggested a rising; and asked the witness if he would take charge of "melons," which the witness understood to mean bombs. In cross-examination this witness (presumably, out of consideration for his old school-fellow) said that when accused left him, he told the witness that "he did not intend to make any fuss in the country."

Accused's own statement (page 444) is full of half-admissions, which go far to prove the truth of the Prosecution story. For instance, he admits visiting P.W. 30, and telling him about the "Komagata Maru", but denies having mentioned "melons". He admits going to see accused Kartar Singh, and meeting Sucha Singh and Nidhan Singh, but says that the objects of his visit was sonly to discuss the starting of the newspaper to air grievances. He admits that Sucha Singh asked him to join the Mausuran dacoity; but says he refused on the ground that the place selected was "too near his own village"! He denied

taking part in that dacoity; but admitted that he returned with Kartar Singh, accused, to Lahore. He denied ever going to the projected dacoity at Kartarpur; but we have sufficient evidence of this. He admits visits to Rawalpindi; but asserts that he went there to see about the hiring of a Press — this accused being the only one of the accused who has suggested that there was ever any intention of starting a newspaper Press in Pindi. He admits being arrested with Parmanand II, whom he met in Hong Kong and at Lahore, outside House No. 2; but can only say that he went with him there because Parmanand II "knew of it." According to his statement, House No. 1 in Lahore was only used as a place to collect subscriptions for starting the newspaper; and he joined the movement to start the newspaper on account of his "Komagata Maru" grievances. He admitted having met accused Rash Behari Bose in House No. 1.

This accused produced no Defence witnesses; and all that his Counsel could urge was that, even if his client were proved to be a Mansuran dacoit, at any rate he had not been proved to be in the conspiracy. With this proposition we are utterly unable to agree. There is ample proof both that he was a Mansuran dacoit and a conspirator. He has not proved what he was doing after he absented himself from his village without permission; and he has admitted association with dangerous criminals, like Kartar Singh, Nidhan Singh and Rash Behari Bose.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A, 131, 395 of the Indian Penal Code; and sentence him to undergo transportation for life, and further order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans on 29th October 1915. Prisoner No. 38504. Repatriated to Madras Presidency Jail in 1921. Absconded by jumping with fetters from a running train in 1922 and could be re-arrested only in 1936. Sent again to Andemans in 1937 to complete his sentence along with convicts of Lahore Conspiracy Case 1929, namely, Jai Dev Kapoor, B.K. Sinha and Shiv Verma **Permanent Incarceration** No. 400. Repatriated in November 1937, and released in 1945. Famous for his extra-radical political views till he expired on 13.3.1977. — Editors.]

(18) Gurdit Singh, son of Gurmukh Singh, Nai, of Sur Singh, Police Station Khalra, District Lahore, aged 50.

Gurdit Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 509) admittedly reached India by the ss. "Salamis" on November 20th, 1914 — this being the boat by which the accused Pingley Balwant Singh (No. 5), and Wasawa Singh arrived. On arrival the accused was restricted to his village; and he was admittedly one of the Sur Singh men arrested in house No. 1 on the 19th February, just prior to the projected rising.

The approver, Umrao Singh, has stated that this accused was one of those presented at the extremely seditious meeting held at Oxnade (California) in July 1914; and, though accused has denied this in his statement (page 392) no attempt was made to cross-examine this approver as to why he should have invented this piece of evidence. Amar Singh, approver, has made no specific mention of this accused, beyond saying that he was one of the men caught with him in house No. 1; but at page 82 this approver has made the important allegation that "all the men arrested in that house were in the conspiracy; though some had only just joined, being brought by accused Kharak Singh at the request of accused Jagat Singh. Accused Kharak Singh and Jagat Singh were sent out to collect men for the projected rising on February 21st, namely, statements of approver Amar Singh and the Police spy, P.W. 72. This last witness tells us that accused came to the house on February 19th shortly before the raid, along with accused Kharak Singh and others and accused Hirde Ram, who brought with him bomb materials. The spy also was not cross-examined. P.Ws. 77 and 78 are Police officials who speak as to accused's absence from his village. A report was made that he had gone to Daleke village to visit his brother-in-law; but on enquiry this was found to be untrue (*vide Ruqa* exhibit P. 147, dated February 21st).

Accused has stated (page 393) that he returned to India, because he was too ill to work; and that he left his village on account of eye trouble, without permission, because the policeman at the Police *Chauki*

happened to be absent. He left, he says, on February 18th, arriving at Lahore on the 19th and walked about Anarkali, but could not find any doctor. Searching about for somewhere to spend the night (he says), he met the approver Amar Singh, who told him he had rented a house and invited him into house No. 1, where he went to sleep on a bed, and the Police came and arrested him. He was quite unable to account for the presence of other men of his own village, Sur Singh, in that house. He produced three witnesses (D.Ws. 186, 187, 188) to support his story of eye-trouble; but his story is, in our opinion, quite unsatisfactory. It is important to notice that accused Jagat Singh, who was sent out to collect men for the 21st (some of whom, no doubt, arrived late owing to the date being altered) himself is a resident of Sur Singh. We find the accused returning to India in most doubtful company; and then being arrested on the eve of the projected rising at a house which was the headquarters of the conspiracy. Amar Singh, whom accused has stated to be his previous acquaintance, could not even give his name, and was not cross-examined. There is no explanation as to why accused, if his eyes were troubling him, did not go to the Tarn Taran Hospital (only some *5 kos* from his village); or to that renowned eye-doctor, the present Civil Surgeon of Amritsar. There is no proof of accused's search for any doctor in Lahore; not any proof that, after his arrest, his eyes required treatment. As regards his age, even if he be 50 years old (as he says), we noticed nothing decrepit about him in court. Though it is quite probable that this accused was not acquainted with the full details of the conspiracy we see no reason to doubt that he was quite well aware of the reasons for his presence in house No. 1 at the time of his arrest.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121A of the Indian Penal Code and sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

In view of the comparatively minor part played by this accused, we recommend a reduction of the sentence and the non-enforcement of the order of confiscation.

[Transported to Andamans on 29th October 1915. Prisoner No. 32502. — Editors.]

(19) Gujar Singh, son of Sham Singh, *Jat*, of Bhakna, Police Station Gharinda, District Amritsar, aged 36 (Ex. Soldier).

Gujjar Singh (young)

Gujjar Singh (old)

This accused, who pleaded "Not guilty" (page 511) to the charges framed against him, is one of a group which includes accused 31, 58, 67 and 72, persons who were either interned, or restricted, or arrested early. He admittedly returned to India from Shanghai early in October 1914; but we have been unable to ascertain by what ship he came. He was apparently arrested on November 18th, 1914, and was interned in Hissar Jail.

The only approver, who identified him on Jail parade, was Mula Singh — as "a man he knew in Shanghai". The Crown Counsel has, of course, called our attention to the evidence of Mr. Scott (Superintendent of Police) that approver Amar Singh was very nervous at the Jail identifications. In court this accused was identified by Amar Singh and Mula Singh — Nawab Khan, approver, failing to do so.

Amar Singh tells us that at the Moga meeting accused Kartar Singh named this accused as ready to help, and has stated that accused attended the Phagwara meeting (which we have held to have taken place on November 12th — Amar Singh appears to be mistaken in fixing the 22nd or 23rd of November as the date) and was detailed to await Kartar Singh's arrival. This witness has also stated that he and Kartar Singh went to accused's village, but did not find him there; and that Nidhan Singh, accused, was sent from the Mullapur-Badowal meeting to inform him of the plan of attack. Approver Mula Singh states that at Tarn Taran he learnt from accused Lal Singh and Jagat Singh that accused and Nidhan Singh had promised arms; but had failed to supply them. He admittedly never saw accused in India.

Approver Nawab Khan, who could not identify accused, only stated (page 148) that Kartar Singh once told him that this accused had charge

of some bombs (the name "Gujar Khan" has been mistakenly entered in the record for the name of this accused). P.W. 173 (a *Lambardar* of accused's village — but of a different *Patti* tells us that accused was never restricted to his village, and was occasionally absent. This is all the evidence against this accused.

Accused in his statement (page 444) denied his presence at any Phagwara meeting; and stated that he only once left his village, to go to the *Amawas* fair at Tarn Taran, and was arrested on the way back at Amritsar Railway Station.

D.W. 129 (Major Ward, Superintendent of the Lahore Central Jail) supplies the information that accused suffers from piles. D.Ws. 135 and 136 are as to character, and to the effect that accused was arrested at the fair, but was released and again arrested at the Railway Station. D.W. 137 (a *Jagirdar* of accused's village) also says that accused never indulged in revolutionary talk, and had no returned emigrant visitors. D.Ws. 135 and 182 to 185 inclusive give evidence that up till the time of his leaving for the fair, the accused was taking a prominent part at a reading of the *Granth Sahib* got up at the house of a co-villager, Mit Singh, who left for Shanghai (where he had been in service with accused) just afterwards.

From the above evidence it appears to us that the only overt act of this accused in connection with a conspiracy seems to be his attending one meeting; and the bulk of the evidence against him concerns matters of which one or other of the approvers became cognizant through someone else. The accused may have had leanings in favour of the conspirators; and it may have been his good fortune that he was interned before he had an opportunity of doing mis-chief. There is doubt in his case, though we are certainly not prepared to say that the approvers have concocted their stories against him. We do not think the evidence sufficiently strong for a conviction of this accused of any offence.

On consideration of the above evidence, we give this accused the benefit of the doubt; hereby acquit him; and order that he be forthwith released from custody.

[A co-villager of Baba Sohan Singh (Bhakna). A rare case of second trial on identical charges as accused No. 18 in the Supplementary Case, and sentenced to transportation for life. (More details in his Supplementary Case judgement) — Editors.]

(20) Hardit Singh, Doctor, son of Bhup Singh, of Kala Ghanupur, Police Station Sadr, Amritsar, aged 48 (Ex. Soldier).

This accused who pleaded "Not guilty" to the charges framed against him (page 513), admittedly kept a druggist's shop in Amritsar. From his Discharge Certificate filed on this record we find that for more than 19 years he served (until October 1908) as a compounder and ward orderly in the regimental hospital of the 13th (D.C.) Lancers. He also served in the following Expeditions:— Chin-Lushai, Manipur, Chitral, Tirah and China — and, whilst in the Regiment, his conduct was exemplary. He looks a good deal older than the age he has given. His father, apparently, served in a regiment before him.

He was identified on Jail parade by approver Amar Singh and Mula Singh — approver Udham Singh failing to do so. In court he was identified by those three approvers and P.W. 99 — this last witness and Udham Singh simply calling him "the Doctor". The main afllegations against this accused are contained in paragraph 47 of the complaint; that, in furtherance of the conspiracy, a bottle of nitric acid, and receipts for rent of house No. 1 were made over to his charge; that a paper containing the name and address of the absconding accused Rao was found on his premises; that he medically treated two of the Chabba dacoits; and that he harboured conspirators.

Approver Amar Singh states that at Kapurthala accused Kartar Singh gave him this witness's address to enable him to ascertain Mula Singh's whereabouts, and that accused gave him, Pingle and Nidhan Singh the address of Mula Singh as care of accused Naurang Singh *darzi*. He speaks of Mula Singh renting the Baba Atal house close to accused, and of Mula Singh's depositing with accused a bottle of nitric acid and potash which the witness brought from Lahore. The witness says that towards the end of January Mula Singh deposited 5lbs. Of potash, obtained from Ram Rakha, chemist, and some "M.S. Kohli" forms with accused, and that on the 4th February he found accused treating Bir Singh, absconder, who had been injured in the Chabba dacoity on the night of February 2nd. Approver Mula Singh was arrested on the afternoon of February 13th, and Amar Singh says that he learnt of his arrest that day from accused, and after going elsewhere, returned to wait at accused's shop and warn "members of the party" not to go to the Baba Atal house. In cross-examination this witness said that he came to know accused through Mula Singh.

Approver Mula Singh stated that about the end of December 1914, he went and got medicine for a headache at accused's shop. After this, Mula Singh apparently used accused for different purposes; for instance, we find him asking accused to tell the witness's father to come and remove the witness's child from Gulab Singh's *Dharmsala*. The witness says that about January the 11th accused brought him to accused Ram Saran Das of Kapurthala, who had been sent in by Pingley, and accused was also employed to write a letter in the name of "Daswandha Singh, *Darzi*," which was sent by accused Madan Singh to *Mussammat* Atri *re* hiring her house. The witness states that he deposited 2 receipts for rent of Lahore houses, the address of the alleged conspirator Sanyal, and an address for corresponding with one Ram Chand of the "Yugantar Ashram" with accused. On February 3rd the witness found him treating the Chabba dacoits, Bir Singh and Prem Singh, removing pieces of a bomb from the back of the former. The witness has said that he paid no fee for this operation, because he was arrested before he could do so. He says that about February 6th he temporarily left a trunk of silver loot in accused's charge, and that on about the 10th of that month he met accused Kharak Singh and Sajjan Singh (youths) at accused's shop, saying that they were acquaintances of accused Kartar Singh, and wanted to "join the Party". The witness further states that he once purchased 2 lbs. of potash from accused. This approver has said (page 101) — *re* the treatment of the Chabba injured — that he told accused that his friends had fought, and that one of them had dropped a bomb; but that "accused did not ask what he bomb was being used for." He has also made the important statement that the accused "had no knowledge whatever of our mission" —and "he may have had an idea of our plans; I do not know." Approve Udham Singh corroborates *re* the treatment of the Chabba injured, and in cross-examination says that he himself mentioned injuries by a *gola*, and that Mula Singh told accused that there had been a quarrel, and that one man had been injured by a bomb and another by a *lathi*. P.W. 16 (Deputy Superintendent of Police Liaqat Hayat) tells us that accused's house was locked up on February 26th, and was searched on 4th March, when the following articles were found:— 3 receipts for rent of Lahore houses 1 and 2 (exhibitis P. 9 A B and 10 A), an address of "Venkala Rao Sanyal" (exhibit P. 39) and a pamphlet relating to the grievances of the "Komagata Maru" passengers (exhibit P. 87 — and P. 88 is the search list). The witness says that there were a lot of papers on and under accused's table;

and that looking over them, he found the receipts. Further, that Mula Singh, approver had mentioned having deposited a bottle of nitric acid with accused. This was not recovered until March 16th (page 248), when a second search took place, at accused's shop; and P.W. 195 Maulvi Amir Ali, Inspector of Police, at accused's shop; and P.W. 195, Maulvi Amir Ali, Inspector of Police, tells us in cross-examination that he first learnt of accused from approver Amar Singh, and that accused at first denied having the nitric acid, but admitted it when confronted with Mula Singh. P.Ws. 94 and 95 are the witnesses of these searches; and one of the documents signed by P.W. 94 was *exhibit* P-41, a paper bearing the address of a "Mr. Lewis" and San Francisco, care of Ram Chand, Peshawaria. This witness states that on the spot he signed "a bundle" of papers, and afterwards, at the *thana*, papers taken from the bundle. P.W. 99, who identified accused in Court as "the doctor", but denied in cross-examination that he had himself ever got medicine from him, has stated that on one occasion Mula Singh told him that his whereabouts could always be ascertained from a *darzi* or a "doctor". P.W.101 is the *darzi* Daswandha Singh, who states that accused asked him whether *Mussammat* Atri's house could be rented, and that accused wrote a letter asking whether the witness might be allowed to lease out her house. Two or three days later he saw Mula Singh in the house. This witness has identified the reply postcard, *exhibit* P. 158, but has denied writing the postcard, *exhibit* P. 157, dated February 28th, produced by *Mussammat* Atri to the Police. *Mussammat* Atri herself is P.W. 102, and *exhibit* P. 40 is a letter copied by Mula Singh *re* taking her house on rent. P.W. 163 is a small boy who was taken by Mula Singh to "a doctor's" house, and corroborates a small detail of Mula Singh's evidence about his having been given a watch. P.W. 125, *Mahant* of the Virpali *Dharmshala*, once met Mula Singh (Punjab Singh) at accused's shop. Major Ward, Superintendent of the Central Jail, Lahore, has given evidence regarding the healed injury on Bir Singh's back. Bir Singh was arrested during the present trial, and we have ourselves examined his back, and the photograph, *exhibit* P. 306. According to Major Ward, the injury must have been caused within the last 6 or 8 months; is consistent with a bomb injury; but is not consistent with an injury caused by "an iron spike." It could not have resulted from a boil two years before (Bir Singh's version to this witness). There are marks of injury also to Bir Singh's left foot. In this witness's opinion, a ward orderly (such as accused had been) could

probably not differentiate between different kinds of injuries.

Accused's statement and supplementary statement will be found at pages 369 and 629 of the record. In the latter statement he asserted that when Mula Singh first came to his shop for headache medicine, he was wearing a medal, and told the accused that he, too, had been in Military service, which was why the accused allowed him to keep things at the shop. Accused further urged that had he known Mula Singh to be a bad character, he would have made away with the bottle of nitric acid and receipts, etc., after Mula Singh's arrest on February 13th. There is certainly force in this suggestion. Accused has denied any connection with the *Ghadr* party and conspirators; and has admitted that the documentary exhibits about referred to were found in his possession; his explanation being that Mula Singh (who, along with some of his relations, became his client for medical treatment) gave him bundle of rolled up papers to keep — and also a bottle wrapped up in paper on January 24th. He denied having taken charge of any potash; or having sold any to Mula Singh; and he denied having introduced Ram Saran Das to him. He admitted having treated Bir Singh' injury on February 8th at the Baba Atal house, and three times afterwards at his shop, but denied having extracted any bits of metal from the wound; and stated that he understood it had been caused by the iron head of a *lathi*. He denied having treated the absconding dacoit Prem Singh. He admitted having taken temporary charge of a small box, as related by Mula Singh, but denied telling people of Mula Singh's arrest. He admitted helping in the renting of *Mussammat* Atri's house, which he understood was for occupation by Mula Singh and his relations.

His defence witnesses certainly do not impress us much. They are D.Ws. 51 to 60 inclusive. Two of them are persons of good position, who give accused a good character, and the gist of the statements of all these witnesses is that accused was at his own village visiting his sick mother from about the 1st to the 6th February; that is to say, he could not have treated Bir Singh until some 5 days after the Chabba dacoity, and not just after it.

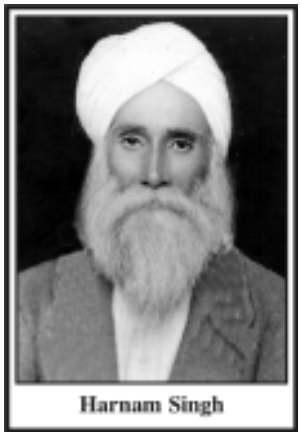
We have carefully considered all the evidence; and we are of opinion that there is at least a doubt as regards this accused, of which he must, of course, have the benefit. The Government Advocate has pressed for a conviction, at least, under section 123, Indian Penal Code; admitted that, though it may be arguable whether accused was a member of the

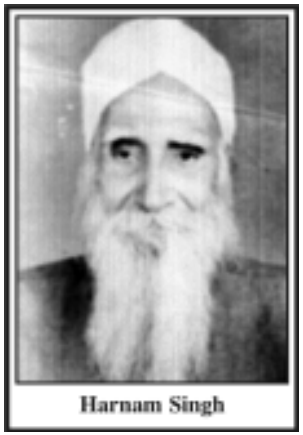
conspiracy, still, he knew what was going on and did not disclose his knowledge. We are not prepared to go so far — though this does not mean that we believe the approvers and other witnesses are telling concocted stories. It is quite consistent with the innocence of this accused that Mula Singh, having a need for him, first went to accused as a patient, and then used him as a person with whom to deposit papers, etc., and his house as a house of call. Both on our own record and in the statement to the Magistrate we find that accused only brought and left Ram Saran Das, who apparently introduced himself as sent by Pingley; and Mula Singh has himself said that accused had no knowledge of "our mission". The Crown Counsel has, of course, admitted that the mere selling of 2 lbs. of potash could not saddle the vendor with criminal knowledge. There is certainly some doubt as to whether the papers found were all loose, or in a bundle; and it is possible that accused may have been unaware of their meaning. He never attended any meetings; and Mula Singh has not mentioned the deposit of "Kohli" forms with accused. The accused is not really a doctor; and, though it is most probable that he extracted bits of metal from Bir Singh's back, it is not necessarily the function of a medical man to probe into the origin of his patients' injuries. No doubt, he may have had his suspicions. He may have been willing to help a client to secure a house — without criminal knowledge; and the "Komagata Maru" pamphlet (*Canada ka dukhra*) can certainly not be called seditious. As has been pointed out by the Defence Counsel, if accused were a co-conspirator, why should Mula Singh have taken the 2 youths off to his own house to talk to them? (page 104). It is certainly a point in accused's favour not to be overlooked that, though Mula Singh was arrested on February 13th, the papers and bottle of acid had not been made away with by the 4th and 16th March. Lastly, there is the exceedingly good previous record of this old man; and the probability that, though Mula Singh may have thought him a person to be made use of in various ways, he would hardly have selected an old Government pensioner with a long record of good service and several medals as a person to whom to entrust the details of a conspiracy against Government. Accused may have had an inkling that all was not right; he may have been too frightened to be open with the Police when they came enquiring; but we consider that there is, at least, some doubt about the guilt of this accused.

On consideration of the above evidence, we give this accused

the benefit of the doubt; hereby acquit him; and order that he be forthwith released from custody.

(21) Harnam Singh *Tunda*, son of Gurdit Singh, Jat, of Kotla, Police Station Hariana, District Hoshiarpur, aged about 30. [Wrote poetry for *Ghadr/Ghadr-di-Goonj* — Eds.]


Harnam Singh


Harnam Singh

This accused who pleaded "Not guilty" to the charges framed against him (page 515), stated (page 464), that he left S. Francisco only in October of 1914 by either ss. "Siberia", "Manchuria", or "Korea", he does not remember which. It is uncertain on what ship he returned to India, though the approver Umaro Singh has stated that he saw him in Stockton at the end of August talking of revolution, and ready to sail on August 20th.

He was identified on jail parades, by approvers Amar Singh and Mula Singh, and P.W. 82; and in court by the same two approvers, and Nawab Khan (as "seen him, but don't know his name"), and Kirpal Singh (police spy), and the witness P.Ws. 62, 63 and 82.

We may say at once that we attach no importance whatever to the evidence suggesting that this accused lost a portion of one arm when experimenting in America with bombs.(However, according to Baha Sohan Singh Bhakna the arm was lost in bomb experiment in his presence at Stockton "JIWAN SANGRAM" (PUNJABI), p. 38 Eds.) We have ourselves examined all the upper part of his body; and the approvers themselves seem somewhat vague, and may have confused him with some one else. Accused himself has said that he received the injury at a Spokane factory in October 1913; and, of course, has not had an opportunity to produce his witnesses on this point.

Approver Amar Singh states that accused was present at Har Dyal's meeting at Bridalveil, when it was suggested to start the "Ghadr"

newspaper; and has said that accused was working with him on the "Ghadr" Press in Francisco at the end of 1913. It is difficult to see why Amar Singh should have invented this last assertion. He goes on to say that accused was with other conspirators at the Baba Atal house about the 7th and 13th February; and that on the 14th February this accused accompanied the witness, Nidhan Singh and Kehar Singh, accused, to the spy's house to satisfy themselves as to the spy's bona fides (vide the statement of the spy, P.W. 72). The witness states that he and accused went in to Lahore about February 15th to consult accused Rash Behari, and that accused was present at house no.1 when the spy arrived with 3 or 4 inkpot bombs (from Dadher). This witness states that it was decided to send accused to Jallo (when it became doubtful, on account of the suspicions against the spy, whether, the rising should take place on the 19th) to warn people not to come in. An important point, which came out in cross-examination of the witness was that the witness had seen accused about February 8th at Mula Singh's house in company with the absconding accused, Banta Singh; and as will be seen, the witness, P.W.82, also mentions him in company with Banta Singh. (The said Banta Singh by the way has been arrested and sentenced to death in two other cases.)

The approver, Umrao Singh as has been said speaks of meeting accused in Stockton (Calfornia) at the end of the August 1914; and Mula Singh mentions meeting him there in the middle of August. Mula Singh also mentions him as present at Rash Behari's private house in Lahore on February 12th, when the 21st February was originally fixed for a general rising; and it was decided to have a national flag. Mula Singh says that he and accused returned to Amritsar on the 13th February, on the afternoon of which day Mula Singh was arrested. The statement of both Amar Singh and Mula Singh, therefore, tend to corroborate each other to the effect that accused was in Lahore on the 13th and in Amritsar on the 14th February. Approver Nawab Khan has but little to say about this accused; and has evidently not been tutored to say more. He thought him to be a man of the United Provinces; and has probably made a mistake about Jawala Singh accused's mentioning this accused as a man who lost his arm in a bomb experiment.

P.W.72 (the Police spy) mentions accused as present at a meeting on February 14th, when the witness was told that the rising had been fixed for the 21st, and himself made the suggestion of looting the Lopoke

Thana. He mentions him as present at house No.1 on the 15th; and again on the 19th, when accused told the witness that the rising had been expedited to that very evening, and the witness made over to him the Dadher bombs, which accused put in the cupboard in which there were a pistol and some cartridges, and which were subsequently recovered after the raid.

P.W.16 Liaqat Hayat says that this accused was mentioned by Mula Singh in a statement made between the 12th and 14th March.

P.W.54 and 55 (a Sub-Inspector of Hariana), and a Lambardar of accused's village Kotla give evidence as to the accused's coming to his village after his return from abroad, and leaving almost immediately after the Lambardar had reported his arrival. However, we have to bear in mind in this connection that accused's brother and family are living, apparently, in Patiala and elsewhere; that his ties with his own village were not strong.

P.W.82 and 83 give important evidence. Both of them belong to Sangwal village of the Jullunder district (it will be remembered that accused's own district is Hoshiarpur); and the first of them as a Lambardar and related to accused Banta Singh. Both of them tell us that accused Harnam Singh Tunda came and lived for some time at a well near like village dressed as a *faqir*, and that he and Banta Singh delivered lectures and harangues, telling the people not to pay revenue to government and to rob the Lambardars; that the Germans were coming to turn out the English; that the army was with the people; and that men on leave should be stopped from returning to their regiments. The Lambardar witness tells that he made a report on the day following one of the lectures; and that accused and Banta Singh used to visit neighboring villages, either singly or together. P.W. 83, who is on old Government pensioner, tells as that in one of the lectures the people were told that in England there were "India rubber roads", and that the English looted India in order to make them. How could this witness have invented such a piece of evidence? We have already mentioned that approver Amar Singh speaks of meeting accused in company with Banta Singh at Mula Singh's house, P.W. 17 (Inspector Ahmed Khan), states that accused was brought to Lahore under arrest on March 4th along with accused Kartar Singh and Jagat Singh; P.Ws 61,62, 63 and 64 give evidence re the arrest of accused at Chak No.5,in the direction of Sargodha, where there is the Horse-Run of the 22nd Cavarly. The

first of the witness is a Risaldar, and the next two are men of that regiment; and from them we learn that accused Jagat Singh used formerly to belong to the Regiment, and that on the 10th February 1915 Jagat Singh came to the Chak, and tried to seduce the men of the Regiment (who would have none of him) with all kinds of the revolutionary talk- saying that returning emigrants were going to rise; that funds obtained by dacoits were to be deposited at the Amritsar headquarters, and so on. The Risaldar reported to the Police; and when Jagat Singh returned to the Chak with Kartar Singh and the accused with whom we are concerned, on March 2nd, all 3 of them were arrested. Accused and Kartar Singh were passing under false names at the time. P.W. 64 the Sub-Inspector who arrested them; he has stated that, after their arrest, all three burst in to a revolutionary harangue to those present. Exhibit P.6, copy of the "Ghadr di Gunj," was found on the persons of accused Jagat Singh.

Accused in this statement (page 464) has, of course, denied all connection with the Ghadr movement.He was questioned regarding a centain letter; but, as it had not been properly proved, we have entirely excluded it and the evidence regarding it from consideration. He denied having lived at Sangwal dressed as a Sadhu, but we cannot see why the two independent witneses P.Ws. 82 and 83 should have invented this story. There appears no reason why the approvers should have spoken against this accused. He admits being taken to a "house" in Amritsar on one occasion by Amar Singh. His explanation as to how he came to be arrested at Chak No. 5 is of the weakest possible description. He says that he was going to visit an uncle, and chanced to meet Kartar Singh (whom he had known in America) with Jagat Singh, and that he "unwillingly agreed" to go with them to the Chak. He admitted having lived at Bridalveil in 1912; and having become a member of the "Hindustani Assocation" at Portland. He admitted his acquaintance with accused Banta Singh. He stated that in February 1915 he went to Amritsar with the idea of opening a restaurant, and chanced to meet Amar Singh in company with the police spy. The former, he says, took him to a house, and then left for Lahore. Inspite of this story, the accused has attempted to make out that Amar Singh has personal motives for enmity, alleging that at Portland about 1907 he had a quarrel with Amar Singh's father, who was his tenant, and who set fire to his house, and was punished. The accused has had of course, no opportunity to

produce any witness from America in support of this assertion; but it is most important to note that not a single question about the matter was asked of Amar Singh in cross-examination.

The Defence witness are D.Ws. 38, and 48 to 50 inclusive. They are produced to prove that accused has practically no family ties with his own village — this we are prepared to believe — and that he went on a visit to his uncle, and had some idea of starting a restaurant in Amritsar. The evidence is quite unconvincing; and P.W. 49, besides admitting that accused's brother has been his customer, is a convicted house-breaker. Accused's counsel has been able to urge practically nothing of any value on behalf of his client.

In fact, there is, in our opinion, ample evidence of this accused's connection with the conspiracy; and that he took an active part in attemping to seduce from their loyalty both villagers and soldiers

On consideration of the above evidence, and bearing in mind the important part he has played throughout, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 131 of the Indian Penal Code; and we hereby sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

[Popularly known as Baba Tundi Lat (Lord): 26 October 1884-18 Nov. 1962.

Deported to Andemans in December 1915. Prisoner No. 38366. Released in September 1930 on health ground on furnishing a security of Rs. 2000 and giving an undertaking to behave well for three years. Became Secretary of Sikh Qaidi Parwar Sahayak Committee. Remained an active Communist till his death on 18 Nov. 1962. — Eds.]

(22) Harnam Singh, son of Jiwan Singh, of Paddhana, Police Station Khalra, District Lahore.

[Discharged. — Eds.]

(23) Harnam Singh *alias* Arjan Singh, son of Bhag Singh Mahajan, of Kahuta, Rawalpindi.

[Absconding. Is believed to be at Kabul. — Eds.]

(24) Harnam Singh, son of Arura, of Bhatti Guraya, District Sialkot, Jat, aged 24

Harnam Singh

Accused, who pleaded "Not guilty" to the charges framed against him (page 517), was admittedly one of the Sahnewal, Chabba, and Mansuran dacoits (vide his statement at page 431). It is uncertain what ship he returned by; but he gave us his reason that he returned from Shanghai because work there stopped on account of the war. In the Sahnewal and Chabba dacoities murder was committed.

Accused was identified on jail parade of April 24th by approver Mula Singh; and approver Amar Singh and P.W.17 (Inspector Ahmad Khan) speak as to Amar Singh's identification of him after a certain Jail parade. He was identified in Court by those two approvers, approvers Udham Singh and Sucha Singh, and P.Ws 125 the Mahant of the Virpali Dharmsala,163 (the small boy to whom Mula Singh gave a watch- who saw accused at the Doctor's House), 184 and 227 (as visiting approver Sucha Singh).

Amar Singh tells us that on about January 2nd, 1915, this accused in company with accused Nos 65, 68 and 70 left Amritsar for an abortive dacoity in the Doaba, taking bombs; again, for another abortive dacoity; and that he attended a conspirators' meeting at Sant Gulab Singh's Dharmsala.

Mula Singh has stated that he first met accused at the Baba Atal house in Amritsar about the end of December 1914, in company with accused Nidhan Singh and Kartar Singh (on their return from Kapurthala). He says that it was this very accused who introduced him to the absconding accused Dr. Mathra Singh at the Virpali Dharmsala; and that accused was one of those who went to test the experimental bomb. This witness corroborates Amar Singh re accused's going to unsuccessful Doaba dacoity. Further, that accused brought to Gulab Singh's Dhrmsala accused Wasawa Singh (the suggester of the Chabba dacoity) along with a pock-marked stranger. That on about January 10th the accused was present at the same Dharmsala when Nidhan Singh stated that chemicals were ready at Jhabewal, but that bomb cases were required. That accused was sent with Bishan Singh of Virpal to ascertain from accused Wasawa

Singh and his men. The witness further implicates accused in two abortive attempts at dacoity at Chabba; and in the successful one; asserting that accused returned with the part of the loot. He says that accused once left with Kartar Singh and others (armed with bombs and pistols) for a dacoity in Ludhiana direction; and that he once sent accused to a Havildar whom he had met on the ss. "Atsuta Maru" to ask for revolvers. Neither of these approvers was even cross- examined. Approver Udham Singh (who failed to identify accused on Jail parade-but did identify him in court) states that accused, along with Bakshish Singh of Gilwali, came to his village about the end of January trying to collect men for a dacoity, at Chabba; that accused came to Bakshish Singh's well armed with a pistol shortly before the dacoity, and after it took charge of part of the loot. Approver Sucha Singh states that he first met accused in Kartar Singh's company at Ludhiana, and put him up for the night; and that the accused attended a conference at his abode. This witness, too, implicates accused in the Sahnewal and Mansuran dacoities, armed with a Chavi. On this latter point approver Umaro Singh corroborates.

From P.W. 16 (Liaqat Hayat, Deputy Superintendent of Police) we learn that this accused had been mentioned by Mula Singh prior to the recording of his statement which commenced on, March 12th, 1915; and P.W.195 (Inspector Amir Ali) tells us that he arrested accused on April 22nd (page 253) in pursuance of a statement made by Mula Singh on February 25th P.W.184 (a Padri witness) states that accused came to Udham Singh, approver, collecting men for the dacoity, and went on to Sur Singh. The witness, of course, is cousin of that approver. P.W 227(a student) did state in cross-examination that accused never spent a night with approver Sucha Singh's though he used to see him sitting there; but it is quite probable that the witness is unaware of all Sucha Singh's nocturnal visitors.

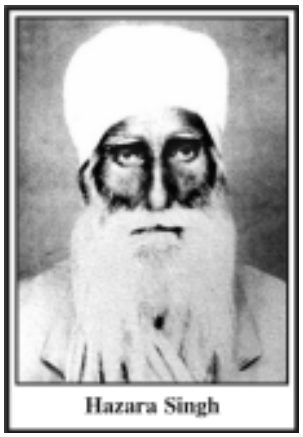
Accused, who admitted taking part in the three dacoities aforementioned (and who named companions in the Chabba dacoity - to which he said he was taken by approver Udham Singh and Udham Singh's father), denied going to other attempted dacoities; and denied having met approver Umaro Singh after the Sahnewal dacoity, wearing bloodstained clothes, and having given him the names of the Sahnewal dacoits. He denied having attend conspirators' meeting at Sant Gulab Singh's Dharmsala when bombs were prepared; but admitted meeting absconding accused Dr. Mathra Singh in Amritsar and going to the Virpali

Dharmsala, though he has attempted to support the story of other conspirators that the discussion only concerned the starting of a newspaper to air grievances. Questioned as to who murdered Beli Ram, he tried to support accused Kartar Singh's version that Beli Ram's death resulted, more or less unintentionally, from an excessive beating given him by the Anarkali murderer. He has asserted that he was arrested in his own village; but we see no reason for doubting the statement of P.W.195 that the arrest really took place in the village of accused's maternal uncle.

The accused produce no witness for his defence. On two of the three dacoties in which he took part, murder took place; and we have held that the object of these dacoities was to obtain funds for the conspirators. Accused's own connection with the conspiracy is fully borne out by the evidence.

Both on consideration of the above evidence, and on this accused's own confession *re* his part in dacoities in the course of which murders were committed, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 395, 396, 397 and 398 of the Indian Penal Code. We sentence him to be hanged by the nect till he be dead; and we order that such of his property as is liable to Confiscation be forfeited to Government.

(25) Hazara Singh, son of Bela Singh, of Dadher, Police Station Sirhali, District Amritsar, *Jat*, aged 28.


Hazara Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 519), admittedly reached India from Manilla by the ss. "Katana Maru" on January 7th 1915; and he says that Bishen Singh (accused No. 9) and accused Wisakha Singh came by the same boat. He gives as the reason for his return that he had been away 9 or 10 years. He has stated that, on his return, he was restricted to his village, which he says he never left; and he denied being accused Nidhan Singh's man, or even knowing the Police spy Kirpal Singh (P.W. 72)

Approver Jwala Singh, who could not identify him on Jail parade, only identified him in Court as having been "a watchman at Shanghai";

and the two prosecution witnesses against him are the Police spy and the detective (P.W. 110), the first of whom identified him on Jail parade of the 18th April and in Court, and the latter of whom has stated that he used to see accused at Singapore. This last witness noted him down on the list of returned emigrants who visited Nanak Singh's *chaubara* in Amritsar on January 11th, 1915; and accused himself has admitted that, on arrival in India, he went there in company with accused Bishan Singh and Wisakha Singh and spent the night there; though he has denied that accused Nidhan Singh and Kartar Singh or Mula Singh, approver, were there; or that any funds were collected, or pistol and cartridges displayed. He has admitted that he had about Rs. 1,000 with him when he reached the *chaubara*.

The case of this accused (who is a distant relation of, and resembles in appearance, accused No. 9 Bishen Singh) really rest upon the evidence of the Police spy, Kirpal Singh; and is practically identical with the case against accused No. 9 Bishen Singh. We see no reason to repeat all our remarks regarding the spy's evidence; and we adopt them (*mutalis mutandis*) for the purposes of the case against the present accused.

As regards the Defence witnesses, D.W. 117 (brother of accused) has stated that he wrote to accused to return, because he (the witness) had bought land in Gwalior State; and D.W. 105 says that accused is marred, but has no children, and that he wrote the letter at the brother's request. D.W. 96 (*chaukidar* of Dadher) says that accused was present when Nihal Singh, uncle of accused Wisakha Singh produced a box containing two revolvers. The remaining Defence witnesses D.W. 105, 116 and 90-99 inclusive give evidence that accused never left his village after his return (it is not the case for the prosecution that he ever did so), and attempt to support the futile story of the locking up of the Dadher *Gurdwara* — which evidence we discussed in the separate case of accused No. 9 Bishan Singh. We adopt our remarks regarding it; and our remarks regarding the arguments of both Crown and Defence Counsel.

On the above evidence we convict this accused of offences under sections 121 (abetment of waging war), 122 and 121 A of the Indian Penal Code; and we hereby sentence him to undergo transportation for life; and order (under the first to sections) that such of his property as is liable to confiscation be forfeited to Government.

[Was closely associted with (Sant) Wasakha Singh (80) and was first *Granthi* of Gurdwara at Stockton. Deported to

Andemans on 29th Oct. 1915. Prisoner No. 38505. — Eds.]

(26) Hari Singh, son of Gurmukh Singh, of Nathana, District Ferozepore, aged 32.

This accused, who pleaded "Not guilty" to the charges framed against him (page 521), has stated that he returned from Hankow in China in January 1915, his object being to redeem his land; which, however, he was prevented from doing owing to his arrest on February 9th in company with accused 14, Dalip Singh — whose case his case very much resembles. Accused's own statement will be found at pages 440 and 479 of our printed record. He produced no defence witnesses.

He was identified on Jail parade of April 18th by approver Narain Singh, and by the witnesses Ichhar Singh and Kirpal Singh (Police spy); and on Jail parade of April 24th by approver Jwala Singh as "a man who came with us to Mian Mir". In court, he was identified by P.W. 264 (Sewa Singh, son of Ichhar Singh, witness) and by P.W. 282, who at first mistook accused Ram Saran Das for him. P.W. 356 failed to identify him in court.

Approver Jwala Singh, who speaks of him as a man of Nathana, and says he saw him in Shanghai, has stated that accused was at the Badowal meeting (which, according to this witness, put a stop to the projected dacoity at Rajoana) with Nidhan Singh, Kartar Singh and Jagat Singh, accused — whence Nidhan Singh sent people to Moga with instructions to collect by twos and threes near Lahore Cantonment (Mian Mir) on November 25th in order to get the keys of the armoury and attack the Territorial troops. The witness says that on the 25th November he met accused at Mian Mir; that some of the Ferozeshah murderers were there; but that it was decided to go off to Ferozepore (*vide* pages 117, 118) for an intended attack on the arsenal.

P.W. 198, Ichhar Singh (page 256) tells us that accused visited him aong with "Amli" (the deceased dacoit), when "Amli" read to the witness a letter received from accused Parmanand II from Cawnpore regarding the latter's movements; and further says that accused was at the *Gurdwara* on January 29th, and left with others for the Jhaner dacoity, which took place that night — afterwards receiving Rs. 220 (in silver bars) as his share of the Jhaner and Rabhon loot, the witness also giving him Rs. 10 "for expenses". (Page 256 to 259 of the record should be seen). In cross-examination this witness admitted that he and accused were in the lock-

up together at Maler Kotla. Approver Narain Singh corroborates that this accused was with him, and the Anarkali murderer and others in the Jhaner dacoity, armed with a sword — accused holding the looted *Bania* by a cloth round his neck. He says that accused afterwads went to Ichhar Singh's Gurdwara with others, carrying the loot. He implicates accused in the Rabhon dacoity of February 3rd, armed with a sword; corroborates regarding the Rs. 220 in silver bars; and he says that accused once told him that numbers of men of the revolutionary party were in Germany, and were coming to fight the British. Cross-examined, this approver says that after he had made his statement to the Male Kotla Police, he and Ichhar Singh and accused were kept in the same room. P.W. 264 Sewa Singh, son of the witness, Ichhar Singh, mentions this witness as a Rabhon dacoit and as taking part in the unsuccessful exploit at Rajoana (page 305). This was the witness who produced certain articles to the Police, and identified in court the bag, exhibit P. 214, etc. He corroborates on the point that accused and accused Dalip Singh were given silver bars. P.W. 356 (though he failed to identify accused in Court) stated that he did identify accused at Kotla as a Jhaner dacoit. This witness's house and shop were both looted in Jhaner; and he identified some of the property given in the list, exhibit P. 294, including the 5 Kotla rupees. P.W. 282, a teacher at witness Ichhar Singh's Girls' School, states that accused recited the *Granth Sahib* at the school; that the meetings there were for *dharm* work; that on one occasion he saw 5 or 6 swords in a box there; and that on one occasion this accused and eight others discussed looting a *Bania* at Jhaner — the witness next day hearing of the Jhaner dacoity. P.Ws. 334 and 352 (a Sub Inspector of Maler Kotla) give evidence as to the arrest of accused on February 9th, through the agency of Kalu, *Khatri*, along with accused Dalip Singh — this accused being himself in possession of 6 silver bars. The Sub-Inspector asserts that, after his arrest, accused started a seditious harangue to the onlookers. Lastly, Nand Singh in his confession (pages 418 and 419) implicates this accused as being one of the Jhaner dacoits, *armed with a sword*; and tells us that in that dacoity the accused brought out two boys from inside one of the places being looted, and handed them over to Narain Singh, who took them outside to prevent their crying.

Accused stated (page 479) that the proceeded direct from Calcutta to Amritsar to bathe; and thence went wandering about in search of a *Mohant* of Mastoana, his road lying through Lohatbandi. Close to that

place he overtook Narain Singh, approver, Dalip Singh, accused No. 14, and one Ganga Singh. He then made a weak attempt to support the story of accused Dalip Singh as to how he and that accused came to be arrested in possession of 14 bars of silver, which, according to him, were all found in a bundle with Dalip Singh. It has to be noted that this supplementary statement was put in three days after accused has made his first statement. At page 440 we find accused admitting that he and Dalip Singh who had the silver bars. He denied attending meetings, or meeting other conspirators, or being in any dacoities, or receiving a share of loot. He denied even knowing witness Ichhar Singh, or making a seditious harangue after arrest — saying that he only complained that he, an innocent passerby, had been arrested. He stated that P.W. 282 was able to identify him, because he saw him in Kotla *thana*; but that witness was never cross-examined as to this. He alleged that Jwala Singh, approver, was his personal enemy; but we find that accused's counsel (Dr. Alam) declined even to cross-examine that approver — *vide* page 119 — and we can only conclude that this assertion was made with the object of afterwards pleading accused's inability to produce witnesses from Shanghai. Objection has been taken that the two boys mentioned in Nand Singh's confession have not been produced — a trivial matter; and that Narain Singh did not tell the Maler Kotla Police about "the men in Germany"; but it must be remembered that the Maler Kotla Police, in the earlier stages, were investigating the dacoities as such; and not in relation to any conspiracy. We are not prepared to attach weight to the argument that P.W. 282 is an "accomplice", simply because he did not at once go off and inform the Police. Lastly, it has been urged that, as accused (as alleged) received part of the Jhaner and Rabhon loot, he should in any case only be treated as a common dacoit, and not as a conspirator. However, we consider that there is ample evidence connecting him with the conspiracy, as well as with the Jhaner and Rabhon dacoities; but, as regards those dacoities we, of course, bear in mind that no one was murdered in the course of them.

The date of this accused's return to India is somewhat uncertain; and was, possibly, in January 1915. If so, it discounts the evidence of Approver Jawala Singh, who, possibly may have made a mistake. We prefer to exclude Jawala Singh's evidence; and though this accused's continued association in dacoities shows that he was probably a conspirator, yet we prefer to take the more lenient view.

We convict him of offences under sections 395, 397 and 398 of the Indian Penal Code; and, seeing that he took part in two dacoities, we hereby sentence him to undergo Rigorous Imprisonment for a term of ten (10) years.

(27) Hirda Ram, Son of Gajjan Singh, Rajput of Mandi State, Goldsmith caste, aged 21.

Hirda Ram

Hirda Ram

This accused, who is not a returned emigrant, and who has pleaded. "Not guilty" to the charges framed against him (page 523), is admittedly one of the persons arrested in house No.1 at Lahore on the 19th February 1915.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh, and by the spy P.W. 72, and on Jail parades by P.Ws 45, 46 48 and 71 (who also identified him at a Thana). In court, by the above witnesses and P.W.93. The witness P.W. 21 (a search - witness of house No. 4) failed to identify accused in Court, but stated that he remembered that some one named "Hirde Ram" pointed out that house to the police.

There is a mass of evidence against this accused, who himself produced no Defence witnesses. The principal prosecution witnesses are approvers Amar Singh and Mula Singh, neither of whom was cross-examined.

Amar Singh tells us that on about December 29th, 1914, in Amritsar, he was introduced to this accused by the absconding Dr. Mathra Singh; and that it was accused who brought the inkpot which was used for the experimental bomb test, at which accused personally assisted (page 69). He tells us of accused's preparing inkpot bombs at Sant Gulab Singh's Dharmsala, some of which were taken by Kartar Singh and his companions for use in dacoity. He mentions him otherwise as connected with bombs,

and states that about 11th or 12th February the accused accompanied him to Lahore Cantonment, to arrange the meeting between Mula Singh, approver, and accused Madan Singh and then to the Mochi Gate house, for which he helped this approver to purchase 2 beds. Witness alleges that accused was introduced to the spy at that house on February 13th (the same date is given by the spy himself), and that this accused accompanied the witness on February 15th to find a house for accused Rash Behari, and viewed houses in the Wachhowali and Gumti bazaars, being sent the same evening from a conspirators' meeting at house No. 1, to secure both houses. This witness has further stated that on one occasion he sent this accused by Rash Behari's orders to one Atma singh with a closed cover, to get certain articles and tell Atma singh to come to Lahore with money. The witness appeared uncertain regarding the date of this; but stated that accused returned to Lahore on the 18th, bringing a revolver in a leather case (exhibit P.27), and saying that Atma Singh would come with money; being then sent to Amritsar to bring chemical for bombs. That accused made him over the keys of the Wachhowali and Gumti Bazar houses; and that shortly before the raid on houses No.1 on the 19th February, accused came there with chemicals.

Approver Mula Singh first meets him in company with Dr. Mathra Singh at Sant Gulab Singh's Dharmsala; and corroborates the story of the experimental bomb. He asserts that accused was sent with chemicals to Ludhiana (to the shop of Atar Singh, watch - maker); and on to Jullunder to "sound" troops there. That between January 15th and 30th, accused met Rash Behari at the witness's house, and said that Jullundur Sikhs and Dogras were ready to join; being sent with the absconder Rao to Benares for pistols and bombs. That he returned with Rao about the beginning of February, bringing Rash Behari's cook; and also biscuit tin containing 2 bombs and four pistols, and a phial of "Greek fire". That on February 2nd accused prepared 4 inkpot bombs for the Chabba dacoity of that date. He corroborates both Amar Singh and the spy in the matter of accused Madan Singh; and says that accused was told on the 13th February (a date mentioned by both Amar Singh and the spy) that February 21st had been fixed for the rising. P.W. 72 (the Spy) says that accused came that day just after Madan Singh had introduced the spy to Amar Singh; and mentions him at house No.1, on February 15th. On the 19th, the witness says, accused came to that house about half an hour before the raid, bringing chemicals, small knives and kirpans, and began to

prepare bombs. P.W. 71 has identified accused as the purchaser of 2 Charpays and P.W. 49, as coming to hire the upper story of a house in Gumti Bazar, accused giving the name.

P.Ws. 45, 46, 47, and 48 concern the leasing of the house in Wachhowali (house No.4). Accused is identified as the lessee; P.W.45 saying that accused himself wrote out the lease as "Ramji Lal." The lease is exhibit P.121, of Februry 15th (compare approver Amar singh as to this date), and P.Ws, 121 exhibit to one "Ramji", and has explained how the alteration on the back of it came to be made.

P.W. 16, Liaqat Hayat, Deputy Superintendent of police, has given evidence how on February 26th accused's books and clothes were found at Amritsar at the shop of Gurdas (P.W.109), and the "M.S. Kohli" forms (exhibits P.83, 84); and how Mula Singh, in his statement recorded between March 12th and 14th spoke of accused as "one of the actual makers of the bombs" along with Parmanand II and Dr. Mathra Singh.

The witness Gur Das (P.W.109) is a relation of this accused, and corroborates that accused spent one night with him and left with him clothes and books which the police subsequently recovered - though he has denied knowing whether exhibit P.84 (bundle of "Kohli" forms) was found at the same time. P.W. 93 has told us how accused came to him in Amritsar to learn stone- setting or engraving, which would require 6 months, but left after 8 days on a pretext that there was much sickness in the place. P.W.17 is Inspector Ahmad Khan, who states that on February 24th 1915, accused admitted having rented the Gumti Bazar and Wachhowali house — the latter under the name of "Ramji" — and took him to both houses. In the Wachhowali house was found a biscuit tin containing 2 bombs (exhibit P.25 A to D). Other things found in this house were picric acid, chlorate of potash, sulphur, mansal and "Greek Fire" (vide exhibit P.114 to 120 and P.121). Accused further pointed out the shop where the 2 beds had been purchased. This witness also corroborates how the stamp-vendor and his register explain the scratching out of a name on the back of the lease, due to the confusion of the names of two purchasers.

The accused, who produced no witness for his defence, made a long statement (page 393). He denied all connection with the Ghadr party, and with bombs; and denied even knowing Gulab Singh's Dharmsala. He denied attempting to seduce troops, going with Rao to Benares, or even knowing Rash Behari by sight. He admitted coming to

Lahore with approver Amar Singh on February, 11th to see the sights- not to give Madan Singh a message-and admitted going with that approver to the Mochi Gate house on arrival from Amritsar, and assisting at the purchase of 2 charpoys. He admits having been at that house on 13th February, and bears out parts of Amar Singh's and the spy's stories by that admission. He also admits the hiring of the 2 houses; which, he says; he did with Amar Singh, who said he wanted them for students. He denied having given him the revolver exhibit P.27. He admitted having put up with the witness, Gurdas; but could offer no explanation as to how the "Kohli" forms came to be found there. He admitted having taken the police to 2 hired houses; but asserted that the name of "Ramji" was entered at Amar Singh's request. He admitted that various exhibits before mentioned (series 25 etc.) were found in the Wachhowali house; but could not explain how they came there. He admitted taking the police to the shop of the witness, Gokal Chand (P.W 71). He denied having met any of the other conspirators at the Mochi Gate house; alleging that he was away from the house all day except on Feberary 13th, when he saw the spy and Balwant Singh sowars. He stated that Mula Singh was introduced to him by Amar Singh only in February 1915; and that he first met the latter at the beginning of that month at the Amritsar Darbar Sahib. Towards the conclusion of his statement, accused asserted that Amar Singh brought him the lease already written in the name of "Ramji Das" and asked him to make it over to the landlord, which he did. He offered no reason why Amar Singh or P.W.45 should be wishing to get him into trouble; and he has given an absurd explanation as to his visit to the house No 1 on February 19th - namely, that he came in from Amritsar to fetch a patta blanket and get some enamel, as he was about to leave Amritsar for his home on account of the prevalence of plague. He asserted that a letter from his brother was found on his person; and a receipt for a telegram announcing his intended return home but we have no evidence in support of this.

His Counsel had, naturally, but little to urge on his behalf. It was urged that accused could not have been much in the conspirators' confidence, or (being by a trade a goldsmith) he would have been employed to melt gold instead of the Virpali goldsmith- however the accused was away from home, and presumably without all his implements. It was put forward that he took no part in any dacoitics; and it was argued that we should not rely on Amar Singh, approver, because, when he commended to make his

statement on February 27th, he was aware that accused had given him away by pointing out the 2 houses on the 24th.

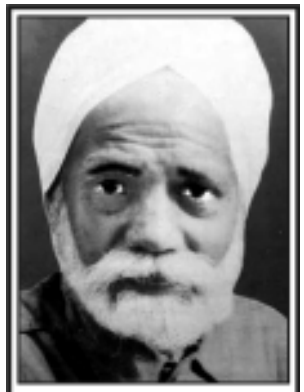
In our opinion the guilt of this accused has been proved to the hilt; and (even if his age really be only 21years), he was one of the most important of the conspirators. His connection with bomb-making has been fully established; he pointed out a house in which bombs and other deadly exhibits were found; he apparently attempted to seduce troops; and he was finally arrested in house No.1 on February 19th, 1915.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 131, 397, 308/109, 395, and 302/109 of the Indian Penal Code. We hereby sentence accused to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in December 1915. Released on 30th April 1927. Settled in Amritsar, started business as a goldsmith. But took active part in Naujwan Bharat Sabha, along with Ram Saran Das Talwar: Shifted back to Mandi in December 1928.

His biosketch by his daughter Mrs. Savitri Guleria is with us: He expired on 21st August 1965, while staying with his son Mr. Ranjit Singh at Sanjauli (Shimla) — Eds.]

(28) Indar Singh, *Granthi*, son of Ala Singh, of Mala, Police Station Jagraon, District Ludhiana.


Inder Singh Malha

This accused, who gave his age as 23 years, but who, in our opinion, must be nearer 30 yers of age, pleaded "Not guilty" to the charge framed against him (page 525); but did not wish to produce any witness for his defence.

According to his own statement, he went to America in August 1913 from Hong Kong; and returned to Calcutta by the ss. "Korea" and "Tosha Maru", being interned on arrival in Montgomery Jail. He was identified in Jail parade of the 18th April by approvers Amar Singh and Mula Singh, and in Court by those

two witnesses and approver Nawab Khan, and by P.Ws. 362 and 383, who were also passengers by the "Tosha Maru". The last of these mentions him as "reading from a book" on board; and they speak as to the seditious nature of the lectures which took place on that ship. P.W. 362 mentions accused's "copy-book".

Approver Amar Singh states that seditious literature belonging to accused was thrown everboard between Kobe and Nagasaki; and Mula Singh that he saw accused in Manilla, and at San Francisco when about to return to India, one of those returning in August 1914 for the revolution. Approver Umrao Singh has said that he first knew accused at Hong Kong; and met him next at Fowler in August of 1914; and, at page 334, he tells us that accused was one of those present at the extremely seditious meeting at Fresno on the 9th or 16th of August 1914. Approver Nawab Khan has described accused as an itinerant stipendiary preacher of the *Ghadr* Party in America; and mentions him as attending a seditious meeting at the Hong Kong *Gurdwara*. The same witness tells us how seditious poems in cipher were found with accused, which the Superintendent of Police at Hong Kong allowed him to keep, on being assured that accused was a religious man who had only recently left Hong Kong. On that occasion accused denied having known one Bhai Bhagwan Singh in America — the same being a former *Granthi* at Hong Kong, and a very prominent preacher of *Ghadr* in America — although he actually held a certificate from Bhagwan Singh.

P.Ws. 89, 192 and 195 are concerned with this accused's statement (page 385) made in Montgomery Jail. P.W. 89 (S. Sukha Singh, Deputy Superintendent Police, of the C.I.D.) tells us that in Montgomery Jail on November 13th, 1914, he saw accused and certain papers found with him by Inspector Amir Ali and the Jail *Darogha* — some being in *Gurmukhi*, and some in cipher. The witness has identified exhibits P. 150 A. to F., and has stated that accused gave him the key to the vowels (exhibit P. 150 G.), and read to him exhibit P. 151 on November 24th (*vide* also exhibit P. 152). Exhibit P. 153 A. is a memo-book of Gurmukhi-English exercises; not seditious, but noteworthy as containing the name of Har Dyal. Exhibit P. 153 B. is accused's certificate, or credentials as an itinerant preacher of the "Pacific Coast Khalsa Diwan Society" of Stockton, California (mentioned in the "*Ghadr*" newspaper, and the nature of which Society has been elsewhere described). In cross-examination, this witness denied that he had ever ordered solitary

confinement (which he could hardly have done of his own motion); and denied that any inducement had been held out to accused to give the key of the cipher. He admitted that he had seen the accused 5 times in Jail — on November 13th in company with Mr. Tomkins (Deputy Inspector-General of the C.I.D.), the Deputy Commissioner of Montgomery, and the Jailor. He further stated that accused explained that the "Burman Singh" mentioned in his statement was accused Parmanand II; that "Nabbu Khan" meant Nawab Khan, approver; and that "Jagat Singh" stood for accused Jagat Ram. There is no satisfactory proof that "Burman Singh" was accused Parmanand II.

P.W. 192 is Ram Ditta Mal, formerly Jailor at Montgomery. He denies that any hope of pardon was held out to accused; speaks as to exhibits P. 150 A — G; and say and that accused signed the statement with his own hand; the witness, Sukha Singh, *not* being present at the time.

P.W. 195 (Maulvi Amir Ali, Inspector, C.I.D.) identifies exhibit P. 151 A — F (coded papers, with the exception of E); and says that he saw accused in Jail 2 or 3 times, sometimes with the witness Sukha Singh; and that Mr. Tomkins also saw him there.

Accused (page 379) denied having attended any meeting at Fresno; and all connection with the American *Ghadr* Party. He denied having made or heard any seditious lectures on board ship. He admitted that exhibit P. 151 E. (not coded) was in his handwriting; but denied that the cipher papers, etc., were ever in his possession. He admitted that exhibit P. 153A. was in his writing; and said that the Har Dayal mentioned therein was some person whom he did not know — then saying, that he used to receive telegrams from him from Washington. As regards exhibit P. 150 F., he admitted signing it; but stated that it was never read out to him. He made a similar assertion with regard to the papers giving identification notes of various persons. According to him, he signed his statement, exhibit P. 150 C, on a promise that he would be let off; and he asserts that it was never read over to him; that part of it was made by him from his sown knowledge of facts; that part was made by him from hearsay knowledge; and that part of it he never made at all. That statement has been fully discussed elsewhere in this judgement; and, seeing that it was made during November 1914, it is difficult to see how anyone could have invented a portion of it. At accused's own indication, the various parts of it have been marked blue (hearsay), black (the portion admitted as based on accused's own knowledge), and red (as the part which accused says he never made at all). The only *blue* portion is from the top of page 386 down to any including the words "funds of the *Ghadr* Party." The *black* portions are from the top of page 385 down to and including the words "Lala Har Dyal was the President"; and from the words — "There were other members" down to and including the words (2 lines below) "was confiscated". The remaining portion of the statement is marked *red*.

It is unnecessary, in our opinion, to here again discuss the statement and other documents further with respect to this accused. We hold that the entire statement was made by him, and that he has been fully implicated in the conspiracy in America; and that the evidence produced against him is to be believed.

We cannot accept the argument of accused's Counsel that the confession is inadmissible in evidence because, though in Jail, accused was really in the custody of the Police; nor the argument that paragraph 14 of the complaint has not been proved — the inference is that accused *did* return in order to deliver seditious speeches; but he was, of course, interned after arrival. The confession may, no doubt, be in some ways inaccurate and incorrect, but the mere fact that he made it proves his knowledge of the conspiracy. We cannot accept the view that the statement explaining the cipher is inadmissible because made to a Police Officer, since it led to discovery; and the suggestion of Counsel is absurd that "Nawab Khan somewhere got hold of the cipher, and made it over to the Police" — since the confession is of the middle of November, and Nawab Khan approver, was not got hold of till the end of December 1914. Some of the deciphered material (for instance, the poem "*Bharat Mata ki Faryad*") was published in the "*Ghadr*" newspaper.

We are unanimous in finding that the guilt of this accused has been established. His Counsel finally urged that he is consumptive (which may be true); is young; was never one of the leaders; and was "an absolute idiot to behave as he did." We are afraid that there was method in his madness.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A, 124A of the Indian Penal Code; and we hereby sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans on 29th October 1915. Prisoner No. 38506. — Eds.]

(29) Indar Singh, son of Ganda Singh, *Hajam*, of Basin, Police Station Manawan, District Lahore, aged 23.

Inder Singh Basin

This accused, who pleaded "Not guilty" to the charges framed against him (page 527), according to the evidence of P.W. 354, Mr. Slattery, Superintendent of Police, C.I.D., reached India on November 30th, 1914, by the ss. "Fau Sang". According to his own statement he did not return on that ship; but by a Jardine company boat arriving at Calcutta on December 1st, 1914.

Accused was identified by name on Jail parade of April 18th by approver Amar Singh; who also pointed him out in court, saying that he had seen him in the Mochi Gate House (No. 1), and that he thought his name was Indar Singh. He was identified in Court by P.Ws. 26 and 27.

Approver Amar Singh has stated that he saw accused at house No. 1 about February 12th in the company (page 75) of Dr. Mathra Singh, the absconding accused; and he also makes mention of accused's sister's marriage.

P.W. 17 (Inspector Ahmad Khan) and P.Ws. 26 and 27 (two Police Constables) give evidence as to accused's arrest; and we see no reason to doubt their statements. After the raid on house No. 1 on February 19th, Police were set to keep a watch on the house; and we find that at 5.45 A.M., on February 28th this accused and accused No. 22 Harnam Singh of Padhana (whom we discharged during the trial) were arrested together when trying to enter house No. 1. According to the statements of the Head Constable and Constable, accused and his companion tried to make off; and said they were on their way to a marriage, and had mistaken the road.

Accused stated (page 364) that he had returned to India for his sister's marriage, which took place some 3 days after his arrest; that Amar Singh was lying when he asserted having seen him at house No. 1; that Amar Singh came to know him by seeing him in the *havilat*; and that he had come to Lahore to fetch his uncle to the marriage, and some ornaments, and had been arrested when he happened to be passing house No. 1. He produced D.W. 189, his uncle, a barber of Lahore, to corroborate his story — which does not impress us favourably. The case against accused is stronger than that against the man we discharged on the benefit of the doubt.

The Defence Counsel is mistaken in saying that this accused was not mentioned in Amar Singh's statement to the Magistrate — he is mentioned at page 36 of the Magistrate's printed record, as in Mathra Singh's company, and as saying he would join after his sister's marriage. Amar Singh and accused were not arrested at the same time; and yet Amar Singh is able to identify him, and knows about the marriage. Counsel has pointed out that Amar Singh stated to the Magistrate that when he saw accused with Mathura Singh, Kirpal Singh Police spy was present; whereas, to us he stated that it was Kirpal Singh, student. This may be due to a mistake on our record, or to some confusion in the mind of the witness; but there seems no reason whatever why Amar Singh should have spoken falsely, nor any reason why the Police should have wantonly arrested an innocent passer-by. It is pointed out that, after arrest, accused gave his correct address. We have evidence that February 21st had originally been fixed for the general rising; that men were being called in; and that the date was expedited to the 19th. It was quite natural that some persons should not receive intimation of the change of date; and accused appears to have been one of such persons. We learn of him in the company of the very dangerous conspirator, Mathra Singh; and we find him trying to enter the headquarters of the conspirators on the early morning of February 20th. To what extent he was aware of the plans of the chief conspirators, we do not know; but we see no reason to doubt that he was in the conspiracy; and that his motive for trying to enter house No. 1 was not an innocent one.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121A of the Indian Penal Code and we hereby sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government. In view of the fact that this accused was a comparatively minor offender, we recommend reduction of the sentence passed and the non-enforcement of the order of confiscation.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121A of the Indian Penal Code and hereby sentence him to undergo transportation for life, and order that such of his property as may be liable to confiscation be forfeited to Government.

We, however, add in this case a recommendation to mercy.

(30) Indar, Singh, son of Moola Singh, *Jat*, of Sur Singh, Police Station Khalra, District Lahore, aged 35.

This accused, who pleaded "Not guilty" to the charges framed against him (page 529) has stated (page 452) that he had been in Canada, and returned in response to letters, having been abroad 10 or 12 years.

He admittedly sailed by the ss. "Korea"; and got off at Nagasaki, he says, to visit Shanghai, where his two brothers had been for several years. He stated that, from Nagasaki to Shanghai, and from Shanghai to Calcutta, he was the only Indian passenger on his ship — of which he cannot remember the name.

Accused was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh, and by P.W. 112 (Nikka, *dalal*) on Jail parade as one of those present at Nanak Singh's *Chaubara* in Amritsar on January 11th, 1915, Approver Nawab Khan was not present at Jail parade; and it has been urged by the prosecution that approver Udham Singh was only present to try and identify dacoits.

In Court, he was identified by approvers Amar Singh, Mula Singh, Nawab Singh, Udham Singh; by the Police spy (who did not know his name) and P.W. 158. Approver Jawala Singh only stated that he had seen accused in Shanghai long ago; and, regarding P.W. 164 (who failed to identify accused in Court) we made a note at the time that the witness appeared to be confused and frightened.

Approver Amar Singh has stated that this accused, together with accused Nidhan Singh and Piara Singh, got off the 'Korea" at Nagasaki (page 63) to collect money due to them, see friends, and "bring others along with them." That subsequently he met accused at the Nankana fair, who introduced him to one Sundar Singh of Shanghai, who made mention of a meeting at Chaherta for November 6th. This witness further states that on February 13th the accused was introduced at the Mochi Gate House to the Spy (who pointed him out in Court; but did not know his name).

Approver Mula Singh has stated that he saw accused in San Francisco before the sailing of the "Korea"; and that accused was one of the revolutionary group under him — he has even given his number as "No. 25" of that group (page 91). At page 95 he mentions accused as at the *Amawas* fair at Tarn Taran in company with accused Jagat Singh and Lal Singh; and he further states that some time before the middle of January he met accused, along with Jagat Singh and Hari Singh of Waring; and

that accused was given by him a hack-saw to pass on to accused Lal Singh of Bhure (page 97). Further, that about February 8th the accused left Amritsar for the abortive dacoity at Kartarpur. Approver Nawab Khan corroborates the story that accused left the ship at Nagasaki in company with the two accused Nidhan Singh and Piara Singh, and says that these persons did so with "secret instructions" to proceed to India *via* Shanghai.

Approver Udham Singh states that he met accused at Padri asking the way to the Jhar Sahib, and accompanied him there; where they found accused Lal Singh and others, and the witness was invited to join next day in a consultation about a rebellion. This was the only approver who was cross-examined; and he stated that he learnt accused's name from Lal Singh — a point which further establishes this accused's connection with Lal Singh (vide pages 227 and 234).

Approver Umrao Singh (page 334) says that he met accused at Stockton along with such persons as accused Harnam Singh *Tunda*, Shiv Singh, Ram Rakha, absconder, and Rahmat Ali (one of the Ferozeshah murderers) "talking *Ghadr*", and ready to sail on the "Korea".

P.W. 158 has identified accused (whose name he did not know) as seen by him on the way to the Jhar Sahib, and also at Lal Singh's house (page 221) — and says that he also saw accused, not under arrest, at Padri when the Police were there.

P.Ws 159 and 169 (a *Lambardar*) speak regarding accused's being sent for to Padri by the Police; and the latter says that accused was released on security after his arrest.

The hack-saw according to Mula Singh, approver, was one which accused Lal Singh wanted for cutting iron (presumably, in connection with dacoities), and which Kartar Singh, accused, was sent to Lahore to obtain — and the exhibit is P. 38. The boy, P.W. 163, son of Mahi, *Havildar*, with whose mother Mula Singh was on terms of intimacy, has identified that exhibit as similar to a hack-saw which Mula Singh brought to the village; and he says that Mula Singh sent a letter by the hand of Hukm Singh to the present accused.

This is corroborated by P.W. 16 (Hukm Singh) — the frightened witness, who failed to identify accused in Court — who has stated that he took the letter, and that accused came, along with a man who had a mark above his eye. The accused Jagat Singh appears to have such a mark. P.W. 186 (Court Inspector at Ludhiana) is a connection of accused by

marriage; and he states that accused's father came and told him that accused had been taken to Padri. He went to Padri, and enquired about the hack-saw P. 38 from accused, who at first denied all knowledge of it; but the witness was told by Inspector Amir Ali that it was only required as corroborative evidence; and that, if surrendered, accused would be released. This witness has further stated that he learnt from his brother that the saw was left at his house by accused's father. The witness (authorized by the *ruqa* exhibit D.6) took accused and the saw into Amritsar to the Police. In cross-examination the witness said that, after accused's arrest, Mula Singh stated that the saw had been bought in Anarkali. P.W. 195 Inspector Amir Ali corroborates (and identified *exhibit* D. 6 and his letter exhibit P. 207), and states that at the time it was not his intention to prosecute the accused, who told him (page 252) that the saw was with one Ganda Singh of Basao. He also identified exhibit P. 211 — the Court Inspector's letter to him; which is dated March 28th, and says that Indar Singh accused and the saw will be brought in on the 31st. P.W. 51 (of Anarkali, Lahore) has identified exhibit P. 38 as a saw sold by him in January 1915 to "a Sikh".

Accused in his statement has denied ever seeing the Jhar Sahib, or meeting Mula Singh at Tarn Taran; and says that on his arrival from abroad he spent one day at Amritsar, but did not visit Nanak Singh's *Chaubara*. He denited being given the hack-saw to take to accused Lal Singh; and that his father is a *Lambardar*, and his grandfather was a *Zaildar*.

He produced eight defence witnesses. D.W. 168 is a *Lambardar* of his village, who states that accused is a good character; that he returned along from abroad, had no emigrant visitors, and only left the village once to visit an injured relation, after telling the Police of his intention. D.W. 169 corroborates, and says that two constables were kept in the village to report on emigrants; that accused was arrested, but released; and that accused's father and P.W. 186 said that the Inspector wanted a saw, which must be got. D.W. 223 is in support of the story that accused spent one night with him (about March 15th) on his way to visit some relations. D.Ws. 172 and 173 are as to character. D.W. 174 purports to have met accused's father on his way to purchase a saw. D.W. 170 is accused's father; who says that accused was taken to Padri under arrest; and that he and D.W. 171 went and bought the saw from "Dhani Ram" of Lahore; and put it in the room of P.W. 186, who took accused into

the Amritsar Police; that accused was released, but was re-arrested some 15 days later. D.W. 171, a Hong Kong pensioner, corroborates *re* the alleged purchase. In our opinion this defence evidence is quite unconvincing. "Dhani Ram and Sons", Anarkali, Lahore, is the name of the firm which employs the witness Ishar Das, P.W. 51; and this witness, though he had no written memo, appeared to have a very distinct recollection of the hack-saws sold by him; yet he stated in cross-examination that he sold none after January (when, he sold three) till April (when he sold one).

We are quite unable to see why the approvers should have been anxious to implicate this accused; nor why the Police and other prosecution witnesses should have been anxious to concoct a story against him — and the hack-saw exhibit P. 38, has been produced. We consider that this accused's connection with the conspiracy has been established. His counsel has urged that he returned to India alone; but accused says he cannot remember the name of the boat by which he arrived; and, if he came on the "Fau Sang", he came with accused Piara Singh in whose company he got off at Nagasaki. It is urged that accused attended no meetings in America; but his Counsel himself has admitted that accused spent practically all his time in Canada. It is argued that accused would not have had to ask Udham Singh the way to the Jhar Sahib, since he himself (as alleged by Counsel) "lived quite close to it"; but Counsel had evidently forgotten accused's own statement that he had "never even seen the Jhar Sahib" — and what reason could Udham Singh have had for inventing this piece of evidence? Counsel for accused has relied on a contradiction as to dates between Mula Singh and the P.W. 163 — a difference of about 12 days — but, as argued by the Crown Counsel, might not a small boy of 13 years forget exactly how many days after his return to his village from abroad Mula Singh came on a visit to his mother? Lastly, it was urged that accused has been implicated in the case simply to drag in accused Lal Singh; and that the Police at first did not intend to proceed against him: but the explanation seems to be that at first the Ludhiana Police were trying to prove dacoities only; and at that time thought of using accused as a witness.

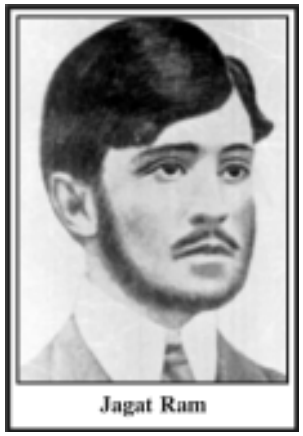
We consider the guilt of this accused proved.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121A of the Indian Penal Code and we hereby sentence him to

undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government. In view of the fact that this accused was a comparatively minor offender, we recommend reduction of the sentence passed and the non-enforcement of the order of confiscation.

[Deported to Andemans on 29th October, 1915. Prisoner No. 38507. — Eds.]

(31) Jaggat Ram, son of Dittu Mal, Brahmin, of Hariana, District Hosiarpur, aged about 40.



Jagat Ram

Jagat Ram

This accused, who pleaded "Not guilty" to the charges framed against him (page 531), *is one of the most important accused in this trial*. An error crept into the charge sheet, wherein it was originally entered that accused had personally taken part in the Rabbon dacoity - which he did not do.

The accused, who is very well educated man, speaking *English* most fluently, made a lengthy statement (page 457); put in the lengthy written statement (page 629); and *argued his own case before us for between 3 and 4 hours*.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh -Approver Nawab Khan did not attend Jail parades. The same three persons identified him in Court; as did also P.Ws. 362, 379, 383 (by name), and 381 (after first mistaking accused Kidar Nath for him). P.W.380 failed to identify him.

Approver Amar Singh has stated that this accused was on the permament staff of the "Ghadr" press at San Francisco at the end of 1913; and accused has himself admitted his connection with the Ghadr Party in America and that he was on the staff of the Press. He has also

admitted sailing by the "Korea," getting off at Manilla, and coming on to India by the " Tosha Maru" from Hong Kong; thus corroborating Amar Singh so far. That approver goes on to say that accused was one of the deputation to the Governer of Penang; that he visited Indians there, and gave witness his address as care of accused, Bhai Parmanand, chemist, Lahore. The witness says that, on arrival at Calcutta on October 29th, 1914, accused managed to get away with the Singapore passengers; and the next place where the witness saw him was Moghal Serai platform, where accused again reminded him of his address. A day or two later, accused comes to Lahore asking for the address of accused Parmanand II; and tells the witness of a forthcoming meeting at Phagwara. He takes charge of the witness's and accused Pirthi Singh's baggage; and later, at Phagwara is told that 7 gold dollars (part of which was accused's own property) have been deposited with Bhai Parmanand. He attends the Ladowal meeting; but not the Moga meeting (though he tells witness the date of it); and sends accused Kartar Singh to the witness with a message regarding the meeting at Phagwara; which meeting he attends, and says that Kartar Singh and Parmanand II having gone to Calcutta for arms via Benares; and that he has made over the 7 gold dollars to Parmanand II for that purpose. He advises meeting Kartar Singh by twos and threes at different stations on his return. This is the story according to approver Amar Singh, who further stated that he heard from Kartar Singh that accused had gone to Peshawar to get arms.

This approver, no doubt, was mistaken as to the date of the Phagwara meeting said to have taken place on November 22nd or 23rd. This accused was arrested in Peshawar on November 23rd; and consequently, could not possibly have been at Phagwara on that date; but we have elsewhere given our reasons for holding that this meeting was on November 12th, when accused could have been present at it.

Approver Mula Singh, who says that he first saw accused in San Francisco, mentions him as one of those returning in August 1914 for the revolution.

Approver Nawab Khan has a great deal to say about the accused, whom he says he first met in Sacremento about the end of December 1913. He says that at the Astoria meeting of May 1913 Har Dyal told the audience that accused and Kartar Singh had organized a successful meeting at Woodland; California, and were organizing a big one for Sacremento. This witness's story continues as follows-about December 1913 accused

came to a hotel, which the witness was carrying on in Sacremento, and asked to be allowed to paste up in the hotel an advertisement of a Ghadr meeting at Stockton. This meeting took place about February 1914; and was arranged by accused, who gave verbal explanation of certain Bioscope views intended to display " the sorrows of India," with pictures of Tilak, Arubindo Ghos, Bepin Chandra Pal, Lajpat Rai and others. The meeting was attended by Har Dyal, in whose company accused left it (vide pages 124,125). Later we find accused visiting Oxnard, where the witness was working, to raise subscription for Har Dyal's bail. When a harangue took place on the beach just prior to the sailing of the ss. "Korea," accused was designated as one of those whose instructions were to be followed. At Yokohama, accused leaves the ship in order to visit a friend in Tokio; and, on his return, consultation with accused Jowala Singh and Kesar Singh, causes the absconding accused Ram Rakha and one Amar Singh of Kotla to disembark, with a slip of paper bearing an address. At Nagasaki, he causes accused Nidhan Singh, Piara Singh and Inder Singh of Sur Singh to disembark, with secret instructions. On arrival at Manilla, he takes over pistols and seditious literature to avoid an expected search at Hong Kong; and while there makes a speech at a seditious meeting, distributes Ghadr literature, and makes a list of those ready to come to India for a revolution. On October 4th accused reaches Hong Kong with some seven adherents; and is made a member of the Central Committee to discuss plans — the main decision being to assemble at Laddowal about November 17th it being also decided that this accused and accused Pirthi Singh and approver Amar Singh should run a seditious Press in India. Accused continues his journey by the "Tosha Maru," and at Singapur attempts to tamper with troops. At Penang he goes with Parmanand II to send a telegram to the "Amrita Bazar Patrika", in order *to ascertain whether a revolution has yet started*. Knowing English well he acts as spokesman to the deputation to the Governer of Penang (accused himself calls him the Resident Council). He is mentioned to witness as having practised bomb making at accused Jawala Singh's farm near Stockton. He is mentioned in connection with the aluminium pan for cooking "potatoes"; and on arrival at Calcutta (as recorded in the notes of 2 Commissioners and the Magisterial statement) tries to smuggle revolvers, and manages to get away by pretending to be ill, and making out that he has come from Penang, giving a false name and address. (On this point, and regarding the episode on Moghal Serai platform this

approver corroborates approver Amar Singh; and also with regards to accused's presence at the Laddowal meeting). After the Laddowal meeting he tells the witness that he has been to Peshwar where there is a branch of the revolutionary party; and that the witness ought to go there and be introduced to the members. This approver (Nawab Khan) has also stated that he learnt from accused Kartar Singh that accused's work in the Ghadr Press at Francisco included the superintending of the mail(He is believed to have memorised hundreds of names and addresses of Ghadr reader before reading India-Ed) work. This is Nawab Khan's story about this accused and we cannot see how he, or any one else, could have invented it and neither he or nor the other approver was cross-examined.

Approver Umaro Singh simply mentions accused as at the "Ghadr" Press on Augest 28th, 1914.

P.W.54 (Sub-Inspector at accused's village Hariana) tells us that accused on arrival from America spent only two hours in his village (on November 2nd), and never returned- and see also accused's own absurd explanation of this. P.W.89 (Sardar Sukha Singh, Deputy Superintendent, of Police of C.I. D) describes how the 2 notes (exhibit P149, A and B.) of Rs. 100 each which were found on accused when arrested, were traced to accused Bhai Parmanand; and in respect of this matter we have also the evidence of P.Ws. 84 to 88 inclusive. P.Ws. 362, 379, 380, 381 and 383 give evidence as to the sedition which went on board the "Tosha Maru." P.Ws. 211 and 212 speak as to accused's arrest at Peshawar by Inspector Ahmad Khan at 11P.M. on November 23rd just as the Calcutta Mail was starting. The first of these two witnesses is Mr. Chapman, Station Master at Peshawar Cantonment Station, who states that accused had a Lahore ticket and gave his name as "Ram Rakha". It is a noticeable point throughout this case that many of the accused made a habit, when it seemed to them advisable, of assuming the names of a co- conspirator- presumably, to lead to confusion. This witness was present when accused was searched, and 4 currency notes of Rs. 100 each were found on him; two of which were exhibit P.149 A and B.

P.W.212 is Inspector Ahmad Khan, who corroborates re the arrest (the search-list is exhibit P 246), and says that accused stated that he had come from Jullundur to see about starting a halwai shop-not giving his real name till the following day. Accused was proceeded against under section 109, Criminal Procedure Code; and afterwards, along with four Peshawar suspects, placed on security under section 40 of the Frontier

Crimes Regulations. The record of the proceedings is exhibit P.247, and it appears that accused was first shown as "Ram Rakha", son of Kharaiti Ram, Jhiwar, of Kukar Pind, Jullundur Cantonment. Accused was said to have been trying to get arms at Shankargarh. In connection with the smuggling of pistols, we have the evidence of P.W.354 (Mr. Slattery) concerning the suit-case exhibit P.292, containing 6 pistols and ammunition found on board the "Tosha Maru".

Accused produced no defence witness; and it is apparent from his own statement (pages 457 and 629) how largely details in the statements of the approvers and other prosecution witnesses are corroborated by the accused himself. *As we have said accused has fully admitted his connection with the American Ghadr party, which he has called the "Hindustan Revolutionary Party of San Francisco;" and he has given us the names of seven office bearers (age 459) and three workers.* Har Dyal was President; and approver Amar Singh was one of the workers on the Press. Accused denies that any meeting of that party ever took place at Stockton Gurdwara. He admitted having interpreted the Bioscope pictures at the Sacremento meeting; and at first admitted, and then denied that he was the person who hired the hall. He denied his presence at the Oxnard meeting, or at the "Ghadr" Press on August 28th;or having caused other accused (as alleged) to disembark *en route* to India. He denied having collected arms and seditious literature on the ship at Manilla; but admitted landing there with literature brought by himself from the Yugantar Ashram, which he distributed, and making a speech, which he says, was not seditious. He makes the naive statement that he did not consider his literature seditious in Manilla: and admits that two of the Ferozshah murderers came on with him to Hong Kong. He denies that any Central Committee was formed at Hong Kong; but admits giving lectures that on the "Tosha Maru." He admits landing at Singapore, and acting as spokesman of the Penang deputation, and giving approver Amar Singh his address as care of Bhai Parmanand-this, he says, he did in the passenger shed at Calcutta, in the hurry of the moment. He denies the matter of the aluminium pan for "potatoes", and the allegation of smuggling pistols. At page 635 (paragraph 2) he has given the most absurd explanation as to why he only spent 2 hours in his village on his return from America. He admits passing Phagwara (he says, on November 14th) on his way to Nawanshahr to get his dollars from approver Amar Singh-and Amar Singh speaks of accused's visit on about that date. He denies having told

this approver that Kartar Singh and Parmanand II had gone with dollars from Bhai Parmanand in the direction of Benares; but admitted receiving 4 currency notes of Rs. 100 each in exchange for 140 American dollars (which would be the equivalent of 7 gold dollars) from Bhai Parmanand. He denies having given his name on arrest as "Ram Rakha" but it is inconceivable why anyone especially (Mr. Chapman) should have wished to invent such a statement. He asserts that his object in visiting Peshwar was to convey a message regarding the illness in America of Ram Chand Peshawaria-a known seditionist according to the testimony of some approvers. Towards the conclusions of his first statement accused added a few remarks about the "Hindustan Association" attempted to explain why so many Indian passengers sailed by the "Korea", on account of the war having stopped the sailing of other ships; and stated that his sole object in returning to India was the starting of a newspaper to air grievances, the article in which were to be "adapted to the tone of journalism in India." We do not think it necessary to notice in detail this accused's lengthy supplementary written statement (pages 629 to 636 inclusive of our record). It is a lengthy rigmarole, containing much irrelevant matter and some damaging assertions. We are told the subject of the proposed newspaper; the six vows of the Ghadr Party; that Har Dyal was succeeded by Ram Chandar as president the name of the Ashram paper being then changed from "Ghadr" to "Hindustan Ghadr" — for which change accused could offer us no explanation when arguing his own case); that there was a squabble between the Ghadr Party and the "Khalsa Diwan Society" and so on. We are told that stoppage of work, owing to the war, was responsible for the return of so many persons to India at the end of August — and the reason why so many had to sail by the "Korea". In his statement the visit to Tokio is admitted; and accused has *asserted his suspicions that Nawab Khan, approver, was a spy* the last few paragraphs of the written statement being a sort of general indictment of him. Another attempt is made to explain how accused came to Bhai Parmanand's premises as his address to Amar Singh; and we have a fuller explanation of the changing of the gold dollars- accused now trying to make out that the matter was put through by " a Sikh" at the request of Bhai Parmanand. Accused admits going to Shankargarh via Peshawar to deliver the message from Ram Chandar.

Accused's lengtly arguments on his own behalf did nothing to impress us in his favour; though, of course, we take into consideration that he was

unable to produce any witness from America. He is admittedly an associate of revolutionaries; and himself one of the most important of these conspirators. We see no reason to support that the 2 trunks sent to "Kanshi Ram" were sent by Government spies; or by persons who afterwards became spies; and the shippers, no doubt, knew nothing of the arrest of Kanshi Ram in November 1914. This point, amongst others, was taken by accused in the course of a general argument as to the unreliability of the approvers. Accused is no doubt a man of considerable education; ; and Mula Singh (according to him) was only a "second class" man, not likely to be a leader. In the course of his argument, accused admits that he and Nawab Khan were allowed to pass without much difficulty at Calcutta, because only Sikhs were being detained. We have already noticed Amar Singh's mistake as to the date of a Phagwara meeting. Accused has asserted that his Peshawar witnesses were arrested; but the first we heard of this was at the time of arguments ; and, after hearing the charges read to him, accused stated that he only wished to produce American witnesses for his defence. The error in the original charge sheet we have noticed-accused, of course, took no part in any dacoity. Perhaps the most extraordinary statement made by this accused was made by him at the conclusion of his lengthy arguments, when he told us *that the acts committed by him in America were not against the laws of America; and that had he known that acts committed by him as a British subject outside India would be against him, he would never have returned to India!*

Of the guilt of this accused there can be no doubt whatever.

On consideration of the above evidence, we covict this accused of offences under section 121 (abetment of waging war), 121 A, 131, 122 and 124 A of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

[Jagat Ram (1887-3 January 1955): Deported to Andemans in December 1915. Prisoner No. 38380. Was released only in July 1933 that too on grounds of ill health. Bound to remain only with Lahore and then on his request in Delhi, being prohibited from any political activity. Restrictions with drawn in February 1936. Politically active during 1939-1943. Joined Congress party and was elected to Punjab Assembly in 1952 on Congress ticket. Expired on 3.1.1955 in Delhi hospital. — Eds.]

(32) Jagat Singh alias Jai Singh, son of Arur Singh, Jat, of Sur Singh, Police Station Khalra, District of Lahore, aged 32. — Ex-soldier.

Jagat Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 533), admittedly took part in the dacoities at Mansuran, Sahnewal and Chabba -in the two last of which last of which murder took place. He has stated that he left America by some Japanese ship, of which he cannot recollect the name, intending to take his brothers from Japan to Canada or America (vide accused's statement and supplementary written statement at Page 425 and 628) ; but, as he could not get back to America, he left his brother at Shanghai, and came on himself to India (but with no idea of rebellion), reaching Calcutta in November 1914.

He was identified on Jail parade of the 18th April by approvers Amar Singh and Mula Singh and the Spy (P.W. 72) ; and on Jail parades by P.Ws. 112 (Nikka, dalal), 125 (Mahant of the Virpali dharmsala, Amritsar), 139 and 147. P. Ws. 230 and 231 failed on Jail parades. In court, he was identified by Amar Singh, Mula Singh, the Spy, P.Ws. 61, 62, 63, 99, 125, 139, 147 (as a Chabba dacoit), 172 (by name), 227, 230 and 231. Sucha Singh, approver, failed to identify him in Court.

Amar Singh mentions him as present at the Moga meeting of November 19th; the Badowal-Mullanpur meeting (whence he returned to Lahore with accused Kartar Singh); a conspirators' meeting at Sant Sulab Singh's dharmsala, *offering to mortgage land and raise funds for the cause*. He was sent to Ferozepore to stop Nidhan Singh's party when the plan for attacking the Lahore Cantonment troops fell through; was at a conspirators' meeting at the Baba Atal house on February 13th); was one of those who came to consult Rash Behari in Lahore on the 14th or 15th; and on the 16th left with accused Kharak Singh for Jallo direction to collect men and funds. It was mainly due to his efforts that men from outside began to arrive at house No. 1 on February 19th and afterwards.

None of the approvers was cross-examined; and Mula Singh

particularly has a long story against him. He meets accused in Yokohama, and is reminded that they were acquainted at Shanghai. In December this witness meets him at Tarn Taran Amawas fair, ready for revolutionary work. Witness is taken by him to meet Lal Singh, and is told by him of a large gathering at Sarhali, which dispersed for want of weapons expected from Bengal. He agrees to bring accused Kartar Singh and Nidan Singh to meet witness at Amritsar; a few days later tells him at the Darbar Sahib that they have gone to Kapurthala; and then informs him of their arrival at Amritsar. He fetches accused Pingle, Parmanand II and approver Amar Singh to the Virpali dharmsala (the Mahant identified him in Court); and at Sur Singh, along with accused Indar Singh and Hari Singh, tells witness that he has sent Rs. 100 to Ludhiana- receipt of which amount is admitted by Nidhan Singh to the witness about January 10th. This approver implicates accused in 2 abortive attempts at dacoities at Chabba; and as leaving with Kartar Singh for an attempt at dacoity in Ludhiana direction (which accused has admitted). He implicates him in the Mansuran and Chabba dacoities; and says that accused helped accused Hirde Ram to prepare the bombs for the latter dacoity. He returned from this dacoity with part of the gold and silver loot ; and about the 7th February is given Rs. 20 by the witness to go to Sargodha to try and seduce the Indian cavalrymen there (vide page 104- where "Jagat Ram, who was arrested at Peshawar on November 23rd, has been mistakenly written for "Jagat Singh").

Approver Udham Singh corroborates that accused took charge of part of the Chabba loot ; and supports Mula Singh's statement that accused visited Mula Singh's house in Amritsar.

Approver Sucha Singh (who failed to identify him in Court) has implicated him in the Sahnewal and Mansuran dacoities -and accused has himself admitted that he saw Sucha Singh when he started for the Sahnewal dacoity.

Approver Umrao Singh, who met him at Yokohama, but was mistaken in thinking him a "Komagata Maru" passenger, mentions accused in company.

Nidhan Singh at Ludhiana; implicates him as a Sahewal and Mansuran dacoit (armed with a pistol-Sucha Singh said, with a takwa); and corroborates Sucha Singh on the point that accused visited Sucha Singh.

P.W. 164 (Hukm Singh) in Court stated that accused was probably

the man with a mark or growth above his eye who accompanied accused Indar Singh of Sur Singh(vide Inder Singh's separate case) to meet Mula Singh at "Mussammat Mahi's" house in Chibal; and the witness, Mr. Scott, his told us that Hukm Singh on Jail parade at first mistook Sher Singh for this accused, and that the dead approver, Dalip Singh, made the same mistake. P.W. 112 (Nikka, dalal) has identified accused as one of the men at Nanak Singh's chaubara on January 11th P.W. 16 (Liaqat Hayat, Deputy Superintendent of Police) states that a clue to this accused was obtained through Zaildar Gurbaksh Singh, who arrested accused Bakshish Singh, chabba dacoit (which the Zaildar himself, P.W. 124 corroborates), and says that Mula Singh had mentioned meeting accused in Yokohama, and that accused had been meeting Amar Singh in Lahore. P.W. 99 corroborates that Accused and Mula Singh had a private talk at the Golden Temple; and regarding a visit to the Virpali dharmsala (this witness belongs to Mula Singh's village). P.W. 125 (the Virpali Mahant) met accused at the Tarn Taran fair enquiring for "Punjab Singh" (i, e, Mula Singh).

P.W. 139 is the son of the murdered Beli Ram of Chabba, who has identified accused as "like a man who beat him." P.W. 172 also met accused with Mula Singh at Tarn Taran. He had known accused in Shanghai; and, at a subsequent fair, was invited to join in a dacoity- accused saying that he had pistols. This witness denied that accused or one Ujagar Singh had ever given evidence against him in a case for the murder of one Wir Singh. Three students, P.Ws. 227, 230 and 231 were produced in respect of accused's visiting Sucha Singh, approver.

P.W. 17 Inspector Ahmad Khan), P.W. 61 (a Risaldar of the 22nd Cavalry at Chak No. 5, Sargodha) and the P.Ws. 62, 63, 73 and 90 have given evidence regarding the arrest of the accused, along with accused Kartar Singh and Harnam Singh Tunda on March 2nd at Chak No. 5 where they had gone in order to try and seduce men of that Cavalry Regiment. The value of the evidence of these witnesses has been already discussed in the separate case of Harnam Singh Tunda ; and we adopt our remarks regarding it. Exhibit P. 6, copy of the Ghadr di Gunj, was found on this accused when arrested. It will be remembered that Mula Singh stated that he gave Rs. 20 to this accused to enable him to go to Sargodha, and accused was well fitted for this mission, since he himself **had once been in the 22nd Cavalry Regiment**.

Accused only produced one witness or rather, his Counsel asked

one question of a witness produced for accused No. 30 Inder Singh. The witness was D.W. 168 (a Lambardar of Sur Singh), who stated that he reported this accused's absence from the village.

Accused's 2 statements are at page 425 and 628; and largely confirm the statements of the approvers and other prosecution witnesses. He denies having attended meetings at Badowal and Moga; but admits meeting Mula Singh at Tarn Taran; and going to see him at the Virpali dharmsala - he says, re the starting of the newspaper, and that he promised to subscribe Rs. 100 for that purpose. He denies having been at Nanak Singh's chaubara, but has admitted going for a dacoity in Ludhiana direction, and actually taking part in 3 dacoites; He denies having seen Rash Behari in Amritasr; and puts the blame for the murder in the Sahnewal dacoity on the Anarkali murderer. He has named some of his campanions in those dacoities. He denies his visit to Chak No. 5 was for the purpose of seducing troops; but says that he and accused Kartar Singh went there on the way back from Peshawar to visit a man in the Cavalry; and that the copy of the Ghadr di Gunj found on him was given to him by Mula Singh at Tarn Taran. We omitted to say before that the spy had mentioned him as being selected along with Kharak Singh, accused, on February 15th, at hiouse No. 1 to collect men for Feburary 21st; and that on the 16th accused left for Jallo direction-further that he (the spy) met accused in the Bazar just after the raid on the 19th -and told him of it, These allegations accused denies. He suggests that Beli Ram was murdered by "local men" (which seems to be true); and says that the object of the dacoities was to raise funds for a newspaper and a deputation; and says that he suggested the idea of a newspaper to Mula Singh at Tarn Taran. His supplementary statement contains only a rehearsal of some alleged grievances; and a suggestion that it was the Ghadr di Gunj given to him by Mula Singh, approver, which inflamed his mind.

His connection with conspiracy has been amply established; and he is a self-confessed dacoit.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 131, 132, 124 A, 395, 396, 397, 398 and 392/109 of the Indian Penal Code. We hereby sentence him to be hanged by the nect till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

(33) Jamna Das, *alias* Charan Das, son of Hari Ram of Baragaon, District Barabanki (United Provinces), *Brahman*.

This accused, who pleaded "Not guilty" to the charges framed against him (page 535), but did not wish to produce any defence witnesses, has given his age as 17 years, but in our opinion, must be nearer 24 years of age.

This man, who was also known by the names of "Charan Das" and "Ram Singh" was admittedly in the service of the absconding Rash Behari Bose as his cook.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh; and o April 24th by Approver Sucha Singh. Also at the *Thana* by P.W. 57. In Court, he was identified by the same three approvers, and P.Ws. 28, 29, 41, 42, 69, 208, 209 and 227 (who failed to identify him on Jail parade).

Approver Amar Singh is first introduced to accused at Rash Behari's ("Satinder's) house in Amritsar about the beginning of February and takes accused and 'Chemist" to the Gawal Mandi house, Lahore, where the shopkeeper who helped witness to secure the house is told that accused will in future be responsible for the rent. Accused goes with this approver to buy cooking utensils for "Satindar", and to Ram Rakha, Chemist, to enquire about chemicals. He was present at the Gawal Mandi house (page 74) when news of the Chabba dacoity is read in the "Bulletin" newspaper of February 4th; and was still there on February 15th engaged in using a duplicator, while accused Kartar Singh was making a copy of the "*Ghadr di Gunj*". On the 19th February he was at "Satindar's" private house with Rao and Pingle. This approver, who was not cross-examined as to the above story, has told us that Rash Behari altered accused's name from "Charan Das" to "Jamna Das" when he changed his residence in Gawal Mandi.

Approver Mula Singh knew accused as "The fat Bengali's cook, Ram Singh", who was brought by Hirde Ram and Rao; and states that accused was present on the 12th February, when the 21st was fixed as the date for the general rising.

Approver Sucha Singh, who was unable to name accused, saw him at the Gawal Mandi house on February 11th when he (Sucha Singh) returned from his tour; and again on February 14th, when accused advised a change of address, owing to Mula Singh's arrest on the 13th. On the 17th this witness finds accused at house No. 5, and accused is sent out of

the room, while the witness receives instructions for Ambala in connection with the proposed writing.

P.W. 17 Inspector Ahmad Khan testifies to the arrest of accused outside the Gawal Mandi house on the evening of February 22nd, when accused gave his name as "Charan Das". However, on his person was found the letter exhibit P. 111, signed "Jamna Das" which name accused then admitted was his real name. According to this witness, accused admitted having rented that house along with Amar Singh, approver; and was identified by P.W. Ishar Das. Exhibit P. 10 B. is a blank deed of lease of house No. 2. Accused told this witness of Rash Behari's shifting from house No. 2 to house No. 5; and utensils were found in the latter house, which Amar Singh identified, along with the portion of the Liner exhibit P. 26C.), the other portion of which was found in house No. 2. P.Ws. 28 (a constable) and 29 corroborate re the arrest of accused; and P.Ws. 41 and 42 are on the same point, and regarding the finding of the letter on accused, who was apparently attempting to get the door of the house open with a brick.

P.W. 69 is a search-witness of house No. 5, which was pointed out by accused. He signed the search list, exhibit P. 26C. (portion of a Liner). P.W. 227, who failed to identify accused on Jail parade, stated that he had often seen accused with approver Sucha Singh. We may note that the change in this accused's appearance, according as he has his head shaved or not, is remarkable.

P.Ws. 208 and 209 (or Benares) have identified accused as the cook of a "stout Bengali" who once stayed there. The first of these witnesses was unable to identify Rash Behari's photograph exhibit P. 31; but stated that the stout Bengali who called himself "Nagendra Nath Sen", was his tenant in Benares.

P.W. 57 is the person who gave house No. 2 (which belongs to Rai Bahadur Ganga Ram on lease. He had identified exhibit P. 10 A., dated the 16th January 1915, in favour of "Charan Das"; and approver Amar Singh as the person calling himself "Karam Chand" who asked that the receipt should be given in the name. He identified accused at the *Thana* as "Charan Das"; but is probably mistaken in saying that accused *twice* came with Amar Singh and paid the rent in advance. According to the evidence (and accused's own statement), this accused did not arrive in these parts till the beginning of February 1915; but the probable explanation is that, since it was Amar Singh who transacted

the business on January 16th, the witness did not take much notice of his companion at that time, but remembered him as paying the second month's rent in advance. The statement that Ishar Das, P.W. 57 was told about the beginning of February that accused would be responsible for *future* rent lends support to this view. The receipt, P. 10 A., is in favour of "Charan Das". We find (page 70) that it was Amar Singh and accused Ram Sarn Das who came to Lahore on January 15th in search of houses, and that Ram Sarn Das gave his name as "Jamna Das" in respect of house No. 1. We have already noted (in the separate case of accused Jagat Ram) how the conspirators were in the habit of using each other's name; and it is also possible (*vide* bottom of page 70) that Amar Singh himself found the assuming of different names somewhat difficult to bear in mind.

Accused, who produced no Defence witnesses, identified the photograph of Rash Behari, exhibt P. 31 (vide page 375) as that of his late employer; whom he knew as "Satish Chandar", and who engaged him as cook in Benares in November 1914. He states that he reached Amritsar on February 1st, where his master already was, in company with a Bengali whose name he does not know. There he stayed in a house where he saw amongst others accused Kartar Singh and approver Amar Singh, and corroborates this approvers assertion that he and "a tall Bengali" came into Lahore to the Gawal Mandi house. He admits going with Amar Singh to buy utensils; but denies that the receipt, exhibit P. 10 A., is in his writing. He says that Rash Behari arrived at that house on February 3rd, and stayed there some 15 days, and was visited by accused Kartar Singh, Pingle and many others; including a "Sikh with spectacles", whose photograph (exhibit P. 32 — photograph of the absconding accused Dr. Mathra Singh) accused has identified. He denies having seen any bombs, etc., there; or having attended any meetings (being busy in his own work, or knowing what was going on. He admits living in house No. 5, where he saw approvers Amar Singh and Sucha Singh and accused Kartar Singh; and asserts that he was on his way to that house, and not house No. 2, when arrested. He denies having mentioned Mula Singh's arrest, or worked the duplicator, and says that he gave his name to the Police as "Jamna Das", but told them that the house was rented in the name of "Charan Das". He admits having pointed out house No. 5 to the Police; and denies having been the servant of the *Mahant* who was murdered at Arrah — of which we

have no proof.

Accused's Counsel has referred us to page 279 (6 lines from the bottom) regarding a statement by Sucha Singh that accused remarked that the mutiny was being delayed. Counsel is obviously wrong in thinking that it was Sucha Singh who made this remark — the context shows this. He has urged that his client is not a returned emigrant, and was on one occasion turned out of the room. However, we find that on other occasions more important persons were not allowed to be present when Rash Behari was issuing instructions; and it is in favour of Sucha Singh, approver, that he made this statement to accused's benefit. We find that Rash Behari did change his place of residence in Lahore; and why should Sucha Singh have invented the statement that it was this accused who advised the change? We see no reason to doubt that accused was passing under different names; and, in our opinion, Rash Behari would hardly have employed as his cook a person who was not likely to sympathise with his ideas — nor could anyone have long remained in the service of this arch conspirator without having become at least aware of the sort of work his master was engaged in. We consider that, on the evidence, we are at least justified in holding that this accused knew of the existence of a design to wage war; and concealed his knowledge with a view to facilitate that design, or at least knowing it to be likely that such concealment would facilitate the waging of war against the King Emperor.

On consideration of the above evidence, we convict this accused of an offence under sections 123 of the Indian Penal Code; and sentence him to undergo Rigorous Imprisonment for a term of three (3) years.

(34) Jawand Singh, son of Uttam Singh, *Jat*, or Sur Singh, Police Station Khalra, District Lahore, aged 32.

Accused, who pleaded "Not guilty" to the charges framed against him (page 537), admittedly arrived in India by the ss. "Nam Sang" on January 23rd, 1915' and after arrival, was restricted to his village. He was one of the Sur Singh men arrested in house No. 1 on February 19th.

He was identified on Jail Parade of April 18th and in the court by the Police spy. P.W. 139, the son of Beli Ram, who was murdered in the Chabba dacoity, on different occasions identified him as being "like one of the Chabba dacoits" — but there is good reason to believe that this

accused did not take part in any dacoity; and it appears that he was confused with the Anarkali murderer, whom he must have resembled.

P.W. 72, the Police spy, has mentioned seeing this accused at house No. 1 on February 15th; again on the 16th; and says that was one of those who came to that house just prior to the raid on the 19th. In cross-examination this witness said that he never saw accused before the 15th; and that he did not mention his name to the Police, as he did not know it, but told them he could identify accused. P.W. 76 is a distant cousin of accused, and is a *Lambardar* of Sur Singh. He states that accused was away in Canada for some 5 years; and, on his return, was ordered not to leave the village without the permission of the Deputy Commissioner; that he conveyed an order of the Circle Inspector to this accused and accused Kala Singh (another man of Sur Singh, who was captured at the same time as this accused) to present themselves on a certain date — but they absented themselves from the village. In cross-examination the witness says that they told him they were going to put in applications to have the restriction removed; but were told not to leave the village for that purpose.

We have exhibit P. 305 bearing date of the 16th February, an application of this accused to the Deputy Commissioner of Lahore; but there is nothing whatever on it to show where it was written, and it may quite well have been written in Lahore, and the spy may be correct in stating that he saw accused in Lahore on the 15th.

Accused's statements (he produced no Defence witnesses) will be found at pages 382 and 389. He states that he was not allowed to enter United States Territory from Canada; so came to Hong Kong, and, not being allowed to stop there, came on to India. He denies having received any special order to present himself in his village on a particular date; and says that he only once went to house No. 1. According to him, the Police recorded his presence at his village on the 15th February; and, as the Superintendent was very strict, he wished to petition the Deputy Commissioner. He sent a written application; but not receiving an answer, left his village along with accused Kala Singh to personally petition that officer. In Lahore they happened to meet the Police spy, who said it was too late that day for a petition, and invited them into a house where they were captured next day. In his statement at page 389, accused says that he and Kala Singh used to know the spy in Hong Kong — and that he reached Lahore on *February 19th* at 4 P.M. (i.e., just before the raid).

He has alleged that his application was written by one Bishan Singh of his village, he has not attempted to produce him.

Accused's story is obviously absurd. The petition purports to have been written on February 16th; and on it is an order of the Deputy Commissioner of the 18th referring it to the Superintendent of Police for opinion; so what reason had the accused for expecting an answer with such rapidity?

His counsel could only urge that accused had not returned by the "Korea", and that Amar Singh, approver, said nothing against him. This latter point is in favour of the prosecution — and Amar Singh (who was arrested at the same time as accused) would probably have only known him as an ordinary villager. As has been urged by Counsel for the Crown, accused must have had some very urgent reason for defying the Police, and leaving his village without permission — and we know that men were being collected for the intended rising. Other men of Sur Singh were also captured in house No. 1 on the 19th. We have no clue to any petition prior to exhibit P. 305.

In short, we see no reason to doubt that accused had a knowledge of this conspiracy; and was well aware for what purpose he was at house No. 1 on February 19th.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121A of the Indian Penal Code and hereby sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government. — 10 years.

In view of the fact that accused was, comparatively, a minor offender, we recommend reduction of the sentence passed and the non-enforcement of the order of confiscation.

[Deported to Andemans on 29th Oct., 1915. Prisoner No. 38516. — Eds.]

(35) Jawant Singh *alias* Jaswant Singh *alias* Lachman *alias* Punjab Singh *alias* Ram Chand, son of Narain Singh of Nangal Kalan, Police Station Mahilpur, District Hoshiarpur.

[Absconded but was arrested on 28th March 1917 and sent for Trial in the Fourth Supplementary Lahore Conspiracy Case and sentenced to death. — Eds.]

(36) Jowala Singh, *alias* Santa Singh, son of Kanhaya Singh, of Thattian, Police Station Beas, District Amritsar, aged about 45 years.

Jawala Singh

Jawala Singh

This accused, who pleaded "Not guilty" to the charges framed against his (page 539), was arrested at arrival of the "Tosha Maru" on October 29th, 1914; and is one of a batch of persons (including accused Nos. 43, 51, 73, 74, 77 and 28) who were interned on arrival in India. We, of course, bear in mind that accused was unable to produce any witnesses for his defence from Hong Kong and America; he produced no others.

Accused was identified on Jail parade of April 24th by Amar Singh, approver; and in Court by Amar Singh, Nawab Khan, approver (who was not present at Jail parades) and P.Ws. 362 and 383. Approver Udham Singh pointed him out in Court; but called him "Jagat Singh". Accused admittedly returned to India by the ss. "Korea" and "Tosha Maru".

Approver Amar Singh mentions him as giving scholarships to Indian students in America; and states that he was one of three persons deputed to search their fellow-passengers and throw overbroad undesirable articles, in anticipation of the search at Hong Kong (pages 63 and 64). He was, admittedly, one of the persons who visited the *Subedar* at Hong Kong.

Approver Nawab Khan also describes him as the giver of the "Jowala Singh" scholarship; and it was the method of awarding these which led to the rupture between this approver and Har Dayal about May or June 1913. This approver (page 125) mentions how the "Korea" passengers were harangued on the beach just before that ship sailed; and that accused was one of those persons whose instructions were to be obeyed. We learn that accused was consulted by accused Jagat Ram before Ram Rakha, absconder, and his companion were caused to disembark; and that accused at Yokohama visited Japanese traders, and brought accused Parmanand

II on board. At Kobe he visited others of the "Party" on their ship; and at Nagasaki caused accused Nidhan Singh, Piara Singh and Indar Singh of Sur Singh to disembark with secret instructions. At Manilla he directs that pistols and seditious literature should be handed over to accused Jagat Ram in anticipation of the official search at Hong Kong; and, on leaving Manilla (page 127), in consequence of a telegram from Nidhan Singh from Shanghai, helps to search his fellow-passengers baggage and throw overboard seditious literature. He attends a seditious meeting at the Hong Kong *Gurdwara*, and becomes a member of the Central Committee to discuss plans — the main decisions being to meet at Laddowal on November 17th, and to start a seditious Press in India. On the "Tosha Maru" plans were discussed for making the Government of India impossible; and at Singapore accused attempts to tamper with troops. At Penang (page 131, 132) he is one of the party detailed to make enquiries about rifles in Police Stations; and forms one of the deputation to the Governor. The only matters elicited in cross-examination of this approver were that he did not see accused at any American meetings, and first met him on board the "Korea".

Approver Umrao Singh has stated that accused was at the Fresno meeting of August, the 9th or 16th, 1914; that he met him near Stockton on August 27th, ready to go to India for a revolution; and that he saw him at the "*Yugantar Ashram*" on August 28th, 1914. P.Ws. 362 and 383 have given evidence of the seditious meetings on the "Tosha Maru", and have named this accused as a Leader, and as a speaker at the meetings. The first of these two witnesses has corroborated approver Nawab Khan's assertion that at Singapore this accused attempted to tamper with troops.

Accused's statement will be found at page 470. He denied being a member of the American Ghadr Party; and stated that his scholarship for Indian students were founded with no sinister design. He denied his presence at the Fresno meeting or "*Yugantar Ashram*"; and gave as the reason for his return to India that he had been away for 13 years; that work had become slack owning to the war; and that his relations had been writing to him. He denied the allegations against him in respect of his actions at Kobe, Nagasaki and Manilla, and Hong Kong — admitting only that at the last of these ports he went to the *Subedar* to seek his assistance in getting passports and tickets. He admitted landing at Singapore — but only to see one Karam Singh of his village, whom he found absent. He admitted landing at Penang — but only to pay homage

to the *Granth Sahib* at the *Gurdwara* there. He asserted that Umrao Singh, approver, was lying in order to save himself; and that approver Nawab Khan had enmity against him because in that year he gave no scholarship to any Muhammadan. He did not consider Nawab Khan's special *protégé* fit for a scholarship. As regards the matter of these scholarships, we must say that we have no evidence that they were originally founded with the intention of getting hold of young Indian students, and instilling into them revolutionary ideas; but we are bound to take notice of the evidence that, at the time with which we are concerned, the actual nominations for them appear to have been in the hands of that Arch-Conspirator, Har Dyal. No doubt, some of the holders of these scholarships may (as alleged) have been doing well in different walks of life; but we must bear in mind the statement of the witness, Ichhar Singh (page 254) that part of the general scheme was to find educated boys to sent to America, so that they may learn how to make bombs and guns, etc., and on their return sacrifice their lives and expel the British. Further evidence in support is afforded on this point by the confession of accused Sohan Singh (*vide* Exhibit P. 204 B); according to which both Germany and America were to be training places for "Young boys."

We see no reason to doubt the evidence against this accused; and we cannot agree with his Counsel's argument that "interned men did no harm" by reason of their internment. Some of them, including this accused, appear to us to have been the "Brains of the Party". His Counsel has pointed out that approver Nawab Khan has not mentioned this accused as present at the Fresno meeting; and that he did not speak; but it stands to reason that one person at a meeting may notice certain persons, and another certain other persons; and we find from the "*Ghadr*" newspaper that at the different meetings the views and ideas promulgated received most enthusiastic support from the members of the audience as a whole. Again, the Defence Counsel (generally, in respect of the interned accused) has endeavoured to make capital out of the omissions of some of the approvers, and differences in their statements regarding leaders; but it seems clear enough that there were leaders of gangs for active work, and leaders whose duties were to settle plans, and give advice, and organize. As regards the point taken that approver Mula Singh has not mentioned this accused as one of the "*Ghadr*" party on the "Korea", it need only be said that Mula Singh did not himself travel by that boat, and may not have been able to remember every one

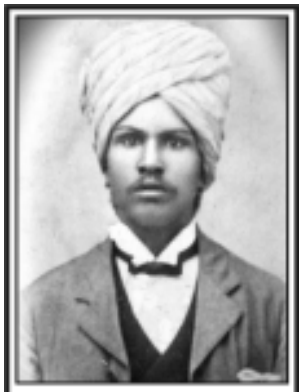
who travelled by it. Nothing would have been simpler than to have got him to concoct some sort of story against the accused; but he has not done so. It has been urged that approver Amar Singh does not mention the formation of a Central Committee at Hong Kong; but we find that he was himself only added later on for purposes of Press work — work on which he had been engaged in America. He has certainly omitted to mention the sending out of parties at Penang; but, though we have held that this approver seemed inclined to modify his statement in some respects, it is noticeable that no application was ever made to us to have him re-called for further cross-examination on various points to which exception was taken in arguments. Counsel has urged that approver Nawab Khan is a bigoted Muhammadan; but, while we quite appreciate the fact that he was angered over the matter of the awarding of the scholarships, his anger appears to have been mainly directed against Har Dyal himself; and we are certainly not prepared to hold that his statement, on several points in which he is corroborated, is a deliberate concoction; and no enmity has been shown (nor suggested) on the part of the other two "Tosha Maru" witnesses.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A, 131 and 124A of the Indian Penal Code. We sentence him to undergo transportation for life, and we order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans on October, 1915. Prisoner No. 38520. Co-founder of First Sikh (Temple) Gurdwara in U.S.A. at Stockton (California) besides Sant Wasakha Singh of Dadehar: The duo were famous as Potato Kings for producing huge quantity of the crop in their sprawling farm land. Jawala Singh distinguished himself by instituting scholarships for deserving scholars from India for their stay and studies, selected from all over India purely on merit. Founded Punjab Kisan Sabha after his release from jail in 1933. Died in an accident on 9 May, 1938 while on his way to All India Kisan Conference. — Eds.]

(37) Kala Singh, son of Ghasita Singh, *Jat*, of Sur Singh, Police Station Khalra, District Lahore.

The case of this accused who pleaded "Not guilty" to the charges



Kala Singh

framed against him (page 541), but who produced no witnesses for his defence, is extremely simple. He was, admittedly, one of the men of Sur Singh village who were arrested in house No. 1, at the time of the raid on February 19th, 1915. He reached India on January 23rd, 1915, by the ss. "Nam Sang", the same boat by which accused No. 34 Jawand Singh of Sur Singh travelled; and his case is practically on all fours with that of Jawand Singh. We adopt in the case of this accused such of our remarks in Jawand Singh's case as are appropriate. He was identified on Jail parade of April 18th by approver Amar Singh and the Police spy; and by them and the *Lambardar* P.W. 76 in court. P.W. 72, the spy, has stated that accused was one of those who came to house No.1, shortly before the raid — he did not at that time know accused's name. P.Ws. 16, 17 and P.W. 22 (the canal *zilladar*) have given evidence of accused's attempting to run into the room in house No. 1, where the bombs were kept, when the raid took place. P.W. 76, the *lambardar*, has given the same evidence as in the case of Jawand Singh, regarding accused's restriction to his village, and his absenting himself therefrom.

Accused has given as his reason for returning from Canada the stoppage of work there (page 397); and has admitted leaving his village without permission, as he says, to present a petition to the Deputy Commissioner. No such petition is forthcoming. He denies that he received special orders to present himself in his village on any particular date, or that he attempted to get into the bomb-room. He tells the same absurd story as does accused Jawand Singh about the spy's inviting him into house No. 1 to spend the night.

His Counsel has referred us to his remarks in the separate case of Jawand Singh; and we do not wish to press unduly on the evidence that he ran towards the bomb-room. The spy has said that accused only arrived shortly before the raid; and the accused may only have been attempting to find a means of escape. But we have received no reasonable explanation why several men of Sur Singh should have decided to come into Lahore (more or less separately) about February 19th; nor how they all came to be in house No. 1. As regards the alleged invitation by the spy, he was

out after bigger game; and it is absurd to suppose that he was luring into that house mere innocent passers-by in order to get them arrested.

On consideration of the above evidence, we convict this accused of an offence under sections 121 (abetment of waging war), and 121A of the Indian Penal Code. We sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government.

We, however, recommend a reduction of the sentence passed, and the non-enforcement of the order of confiscation. — 10 years.

[Deported to Andemans on 29th October, 1915. Prisoner No. 38512. — Eds.]

(38) Kala Singh, son of Gulab Singh, of Amritsar, *Tarkhan*.

[Two insertions by Bhagat Singh — Eds.]

The case of this accused, who pleaded "Not guilty" to the charges framed against him (page 543), is very simple. He is one of the gang of Chabba dacoits, and was actually captured on the spot by the villagers. He has given his age as 55 years; but the allegation against him is that he was only taken to that dacoity in order to open safes and boxes, and his age is probably the reason for his being more readily captured.

Approver Mula Singh merely mentions (page 97) a *lohar* of Amritsar, who was to be taken by the dacoits to open safes. Approver Udham Singh states that he met accused at the house of accused Bakhshish Singh, and that, in the course of the Chabba dacoity (in which Beli Ram was murdered) this accused broke open Beli Ram's safe.

P.W. 16 (Liaqat Hayat Khan, Deputy Superintendent of Police) tells us that he reached the scene of the Chabba dacoity at 1 P.M. on February 3rd; and found accused under arrest. The witness was shown certain burglarious implements and (he thinks) some cartridges as having been found on accused, who implicated the two accused named Surain Singh and accused Sawan Singh.

P.W. 122. (Kesri Chand, Sub-Inspector, Amritsar), recorded the 1st Report (exhibit P. 166) of this dacoity, and found accused (whom he was unable to identify in court) in custody on the spot. He states that the *lambardar*, Buta Singh, made over to him the burglary implements (exhibit P. 167) A, B, C. — the *fard baramadgi* is exhibit P. 167 D. as found on accused, along with 2 cartridges (exhibit P. 167 G.), also said to have been recovered from accused's person. (Exhibit P. 167 E.), pieces of a

bomb, were made over at the same time. In cross-examination the witness admitted that a used railway ticket (exhibit D. 4) was also found on accused — the ticket being from Amritsar to Jhandiala, P.W. 123, Buta Singh, *Lambardar* of Chabba, has corroborated the last witness; has said that accused was caught near Beli Ram's house; and had admitted that accused himself bore *lathi* marks. P.W. 124, *Zaildar* Gurbaksh Singh, has stated that accused Bakshish Singh, when confessing his own guilt, implicated that accused on February 9th. We have elsewhere discussed the admissibility of this piece of evidence. P.Ws. 141, 146 and 150 are as to the actual capture of accused near Beli Ram's house with his burglarious instruments.

Accused in his statement (page 434) denied having taken part in the dacoity, or being in possession of burgular's tools, or cartridges, or having identified and implicated any one as a Chabba dacoit. His story was that his nephew in Gwalior State wanted a man to saw timber; and that he left Amritsar on the morning of the dacoity at 4 A.M., having a swollen foot, to go to Jabal (or Behl) village in search of a man to saw timber. On his way he was seized and beaten by the *Jats* of Chabba village. The story is quite absurd; and the Defence witnesses, D.Ws. 71 to 74, do not convince us. They state that accused saws wood for combs; and one of them says accused was on his way in search of sawyers (mistakenly recorded as "saws"); but there is no reason whatever why the Chabba villagers shoud have assaulted and captured an innocent passerby; nor any reason for disbelieving the prosecution evidence. We have held that these dacoities were committed in order to obtain funds for the conspiracy; we have the fact that Beli Ram was murdered in this dacoity; and we have the evidence that 2 cardridges were found on accused's person. We have also the evidence of approver Udham Singh (page 229) that among the persons who assembled at the well were such conspirators as Jagat Singh, accused, Ram Rakha and "Amli" (who was killed during the dacoity by a bomb explosion — and whose photograph is exhibit P. 57 A.). It seems, therefore, reasonable to believe that accused, though only brought for the purpose of opening safes, may have had some knowledge at least of the object of this dacoity. His Counsel has urged that the acutal murderers of Beli Ram were local men; and that, two Chabba villagers, P.Ws. 143 and 144, do not mention accused. But they were only speaking of

(1) (2) (Insertions by Bhagat Singh — Eds.)

what they themselves witnessed, and both of them were injured themselves by bombs, and probably saw nothing of accused's capture.

On consideration of the above evidence, we confict this accused of an offence under sections 121 (abetment of waging war) and 121 A and 396 of the Indian Penal Code. We hereby sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

[Is it not remarkable that despite having no stakes at all in the Ghadrites' aims and objects he did not follow the path of least resistance following his arrest which he easily could (by turning an approver) being just a chance victim, and instead, risked hanging like rest of the actual active Ghadrites. He had been deported to Andemans in December 1915. — Eds.]

(39) Kartar Singh, son of Mangal Singh Jat, of Saraba, Police Station Rai Kot, District Ludhiana. (D.o.B. 24.05.1896)

This accused, who pleaded "Not guilty" to the charges framed against him (page 545), has given his age as 18.5 years; but he is certainly older than that and probably over 20 years age. In spite of his age, the is one of the most important of these 61 accused; and has the largest dossier of them all. (Underlined by Shahid Bhagat Singh, in the original documents) There is practically no department of his conspiracy in America, on the voyage, and in India in which this accused has not played his part. Throughout the trial he declined to have questions put by counsel; or (with the exception of one or two questions) to cross-examine himself; though he made two lengthy statements (pages 443 and 480). He admitted having taken part in the Sahnewal dacoity of January 23rd (in the course of which Khushi Ram was murdered); and freely admitted his association with Har Dyal in America and his position on the "Ghadar Press" at San Francisco.

The evidence against him is absolutely overwhelming; but, in justice to him, we must discuss it in detail.

According to his statement he left America by the S.S. "Nippon Maru;" and reached Colombo on September 15th or 16th by some other ship from Hong Kong, of which (he says) he does not remember the name.

Against him there is the evidence of six approvers, the witness Iccher Singh, the Police spy and 24 other witnesses.

Approver, Nawab Khan was not present at Jail parades; but on jail parade of April 18th this accused was identified by Amar Singh, Mula Singh and the police spy; and on that of April 24th by approver Jwala Singh (at the second round) and Sucha Singh. Also on Jail parade by the witness, Iccher Singh, and P.Ws. 36, 43 and 283. In Court, by the above-mentioned persons, approver Nawab Khan, and P.Ws. 44, 61, 62, 63, 75, 223; and the students, who named him, P.Ws. 227, 228, 230, 231. The witness P.W.74 (in spite of his evidence) actually tried to make out that he could not identify accused in Court.

Approver Amar Singh mentions this accused as on the staff of the "Ghadar Press" in November 1913, where the approver himself worked; and Amar Singh's story continues as follows:- Accused attends the Ladowal meeting, and the Moga meeting, where he names accused Gujar Singh as "ready to help" vide Nawab Khan on this point). He suggests dacoities as a means of raising funds for the purchase of arms, and he brings a message from Jagat Ram about the Phagwara meetings of November 12th. He returns to Lahore where he stays at the "Hindu Hotel"-under the assumed name of (probably) "Naurang Singh". He goes to Calcutta for arms. He tells the witness at Lahore that Jagat Ram has gone to Peshawar for arms, and suggests the looting of the Lahore Magazine. At Moga meeting he tells the arrangements for carrying out his plan, and at the Badowal-Mullanpur meeting it is decided to collect men at Lahore Cantonment, this accused being detailed to obtain implements for cutting telegraph wires. Subsequently, at Lahore, he tells the witness of the failure of the Lahore Cantonment plan, owing to the transfer of a sepoy; and is sent to Lahore Cantonment to bring back any men who had assembled. He meets the witness at the end of November, and, about November 30th the witness meets him on Jullandhar City platform, with a Bengali. A discussion then takes place in a garden with the Bengali about arms, bombs and funds, and, the Bengali gives accused a revolver and a few cartridges. The approver mentions other meetings with accused, including a meeting with him at Kapurthala in company with accused Nidhan Singh and Pingle, the latter of whom says that a Bengali of the "Bengali Party" will co-operate. Accused informs them (page 69) that approver Mula Singh has arrived from America, and it is decided to see Mula Singh (whose address accused

gives as "care of" accused Hardit Singh and Naurang Singh) and make define arrangements for the revolution. Accused leaves with accused Parmanand II for Jullundur; and about the end of December, attends a meeting at Amritsar, at which Dr. Mathra Singh (absconder) is introduced; and it is decided to join the "Bengali party." About the middle of January, accused is present at a meeting at the Baba Atal House, Amritsar, when accused Rash Behari, Pingle, Mathra Singh, Rao, this approver and "Chemist" are present, and Rash Behari suggests the renting of house in Lahore (which this approver and accused *Ram Saran Das* are sent to arrange). Later, according to this witness, accused sends him to one Dhanraj, student, in Lahore to get certain chemicals and to ascertain the whereabouts of accused Kidar Nath. Accused is informed by the witness of his suspicions about the proprietor of the "Ragho Foundry" and offer to get funds by means of dacoities. He attends other conspirators meetings, and leaves for Ludhiana in company with the absconder Ram Rakha and others for dacoity work, taking bombs prepared by accused Hirda Ram. About January 28th he returns to Amritsar with ornaments (the proceeds of Sahnewal and Mansuran dacoities), which are made over to approver Mula Singh to be melted.

He introduces accused Kirpal Singh, student as "one of us." On February 15th we find him at House No. 2, Lahore, along with Rash Behari, Pingle and others, engaged in writing out the "Ghadar di Gunj," and on the evening of that day (compare the spy's statement) he brings coloured cloth for flags. He attends a conspirator's meeting at House No.1, on the evening of February 16th. he is sent to Ludhiana and Ferozepore with Pingle, taking flags and copies of the "Ghadar di Gunj" to collect men and seduce troops; and returned on the 18th, when on account of suspicions against the Police spy, he favours the changing of the date for the rising from the 21st to the 19th February. He is accordingly, sent to Ferozepore (compare the evidence of P.W. 385) with flags, copies of the "Ghadar Sandesa", files and pliers.

We have said that scarcely a single question was asked in cross-examination; and how could Amar Singh have possibly invented this detailed statement? As we continue, the mass of corroborative evidence will become apparent.

Approver Mula Singh, who also states that accused was on the "Ghadar Press" staff, tells us that about the beginning of December he applied to accused Bhai Parmanand for address of this accused. He learns

from accused Jaggat Singh of Sur Singh that this accused and Nidhan Singh have gone to Kapurthala; and later, towards the end of December, meets, them in Amritsar, and learns of the arrival of Amar Singh, Pingle and Parmanand II. The witness mentions accused as attending a conspirator's meeting at the Dharamsala, and says that accused suggested to him Bhai Parmanand could supply funds. We learn from this witness the reason for accused's failure to obtain arms in Bengal was that he was suspected of being a detective; but he tells the witness that he has given his Malwa men 2 pistols. Mathra Singh offers to make bombs, and some 2 days later accused tells the witness that Rs. 1,000 have been obtained by dacoity in the Malwa tract, of which amount Rs. 750 have been given to his men for getting arms and animals from Bikanir, and he makes over the balance of Rs. 250 to the witness, of which Rs.150 are advanced to Mathra Singh, Nidhan Singh and Parmanand II for preparing of bombs at Jhabewal. Accused is then sent to Ferozepore "to sound troops," and returns about January 10th with the information that Ferozepore troops will join if a date be fixed; and is sent to Ludhiana. He is sent to Lahore to get the hack-saw (exhibits P.38) for accused Lal Singh and to Ludhiana for 2 pistols. About January 11th, he meets the witness at Nanak Singh's chaubara at Amritsar (the date and place have been constantly mentioned in this judgment); tells the witness that he has brought a pistol and cartridges, which he leaves with witness and then goes to Ferozepore to see about adherents in the regiments there. He returns with details of "reliable men" about the middle of January, and approves of the selection of Mussammat Atri's house. He then leaves with accused Harnam Singh of Sialkot, Balwant Singh of Sathiala and others for a dacoity in Ludhiana direction, taking 4 bombs, a revolver and an automatic pistol. Between January 15th and 30th, he is one of those who visit Rash Behari at this witness's house in Amritsar; and at the beginning of February (Amar Singh, approver, makes the date January 28th) he makes over gold ornaments from Mansuran dacoity to the witness for melting, and is present when gold bars are made over to Amar Singh to be disposed of. Accused returns injured in the right ear from the Mansuran dacoity, and says that some local men and students took part in it (accused Kirpal Singh is a student). About January 30th Rash Behari tells Rao, absconder to take accused and Pingle to Allahabad or Meerut to be introduced to partisans (vide P.W.206), and witness gives accused Rs. 200 for expenses. About February 6th Rao returns, saying that he has left accused and

Pingle at Meerut. On February 12th accused is present at a meeting at Rash Behari's house at Lahore when February 21st is fixed on as the date for the general rising, and it is decided to have a National Flag.

Approver Jawala Singh meets accused at Badowal about November 23rd, and is sent by Nidhan Singh with a letter to accused to join in the proposed attack on Lahore Cantonment Magazine on November 25th. The people who had assembled, however, go off to Ferozepore, where they learn from Nidhan Singh next day of the failure to get the key of the Armoury, and decide to re-assemble at Ferozepore Cantonment on November 30th.

The approver Nawab Khan tells us that at about the end of 1912, at Astoria, he "converted" this accused to his way of thinking; but we consider that doubtful (Sailed in S.S. Siberia from Hong Kong on 2.7.1912: Arrived at San Franscisco on 28.7.1912. — Eds.) Arrived at San Fr. This approver is a conceited person; and the probability is *that accused imbibed his views in Bengal, where he was educated.* (In fact, he went to his uncle S. Bakhshish Singh in Orrissa, during 1910, where he passed his Matriculation examination before leaving for U.S.A. in May-June 1912: Orrissa, then, was a part of Bengal. — Eds.). His account of accused as follows:- Accused speaks at an Astoria meeting towards the end of 1912, when the "Hindustani Association" is formed; and about the beginning of 1913 leaves for California. At the Astoria meeting of May 1913. Har Dyal tells the audience that this accused and Jagat Ram have brought off a successful meeting at Woodland (California), and are organizing a big meeting at Sacramento. Accused attends the Stockton meeting arranged by Jagat Ram (at which the Bioscope display took place), and makes a speech, and leaves the meeting in Har Dyal's company. After arrival in India, accused sends the witness a message to meet him either at Ludhiana on November 8th or in the vicinity of Phagwara on the 12th; and he and the approver to meet at Ladowal (vide Amar Singh) on November 17th when accused is detailed to loot a Tahsil in the Manjha, and says that many big bombs capable of blowing bridges are being made in the Manjha and 200 gandasses, for which he gives Jagat Ram some notes. At Moga on the 19th November accused tells the witness that accused Bhai Parmanand is in favour of an attack on Lahore Magazine; that he has enlisted the help of a Sikh Havildar; and that accused Gujar Singh is ready to help (compare how this corroborates Amar Singh's statement). Accused arranges to meet at Badowal on

November 23rd and discuss plans for attacking the Lahore Magazine. He addresses a recruiting party in the train (why should Nawab Khan have thought of inventing this episode?) and turns up at Badowal Station on the date fixed. Plans are discussed for attacking Lahore Cantonment on November 24th or 26th, and accused gives Nidhan Singh money for expenses, saying that he has received Rs. 1,000 from the brother of the seditionist Ajit Singh (S Kishen Singh father of Shahid Bhagat Singh: Underlined by Shaid Bhagat Singh Ed) out of which he has advanced Rs. 500 to Jagat Ram. He gives the witness Rs. 100 for the expenses of his men, and to Kanshi Ram (the Ferozeshah murderer). He sends a message to this approver on November 25th at Ludhiana to the effect that the Lahore Cantonment plan has been postponed, and that an assembly is to take place at Ferozepur on the 26th. On December 2nd the witness gets a message to meet at Ludhiana Railway Station next day, and accompanies him to Phagwara, and on to Nangal Kalan. On December 6th at Nangal Kalan it is decided that accused shall bring his Ludhiana men to a place near Phagwara on December 10th and accused and the approver (whom accused had supplied with a sword stick) meet there on that date. On December 11th at Burobarian accused suggests cutting the telegraphic communication on both sides of Chaheru, attacking a Military Bridge Guard. He also suggests looting a wealthy Brahman of Bhinwal ("a friend of Government."). This dacoity fails, and it is arranged to meet at Chaheru on the 19th to attack the Bridge Guard. On about December 14th accused and the witness visit a Sirdar at Jandiala, whom accused greets "with his left hand" (by way of a sign); who supplies some funds and gives accused a blue pashmina chadar. On the way to Lahore accused tells this approver of his association in America with Har Dyal and the "Ghadr press"; of how he went to New York to *learn aviation and how to build air-craft*; of how he returned to India with an anarchist Gupta and an American anarchist named "Jack", paying a visit to Gurdit Singh on board the "Kamagata Maru" at Kobe. According to this approver accused at the same time told him that accused Bhai Parmanand had supplied a revolver, and had sent him to Calcutta with a letter and Rs. 2,000 to get arms from a Bengali; which, however, he had failed to get, and so had returned the money to Bhai Parmanad, informing him that the Bengal Party were in touch with the Kapurthala Party. Further, that Bhai Parmanand had once sent him to Kishan Singh, brother of the seditionist Ajit Singh, who had subscribed Rs. 1,000, of which amount

(Underlined by Shahid Bhagat Singh —Eds.) Bhai Parmanand had given accused Jagat Singh Rs. 500 to get arms in Peshawar. Regarding this matter of Rs. 500 there seemed to be some little confusion in the mind of the witness; but it does not appear that there is really much discrepancy (vide page 136, and page 144, cross-examination.) the accused asks witness to be present at Kupp Railway Station on December 17th, and projects various attacks on military Bridge Guards for the 19th, proposing himself to attack the Bain Sufed bridge with Amar Singh and others. This approver concludes by saying that accused Nand Singh, in his conversation on February 18th, implicated this accused in the Mansuran and Chabba dacoities. Nand Singh was not in either dacoity himself, and may have been talking with imperfect knowledge, because, though accused admittedly took part in the Sahnewal and Mansuran dacoities, he was apparently not in the dacoity at Chabba.

P.W. 198 witness Ichher Singh has only stated that the Anarkali murderer implicated this accused in the Sahnewal and Mansuran dacoities.

Approver Sucha Singh is another witness, with a long story against accused. The accused first meets him at the witness's own Boarding House and talks about the "Ghadr di Gunj" (page 272) - thereby helping to poison the mind of this student. This approver states that accused's morning greetings consisted of "Maro Faringhi". And that he said that his "religion was to kill Europeans". At the Boarding House the witness always called accused "Harnam Singh" and he tells us of a discussion between accused and "Sham Lall" (Pingle) about bombs. Accused shows the witness an inkpot bomb and Ram Rakha absconder's revolver; collects men for the Sahnewal dacoity; and on his return there from gives a kalma rupee (exhibit page 239) as a memento (vide also P.Ws 215 and 231 re this rupee). Accused sends the witness to buy newspapers with an account of the Sahnewal dacoity. Accused takes part in the Mansuran dacoity, armed with a revolver, and brings gold ornaments from it (vide approvers Amar Singh and Mula Singh in corroboration). About February 1st accused sends witness a letter telling him that to leave Ludhiana" for responsible work", and on February 2nd takes him to Sant Gulab Singh's dharmsala on Amritsar, and then to the Baba Atal house where he introduces him to Rash Behari Bose. Accused tells the Anarkali murderer to get revolver cartridges by Feburary 10th, and, on the way to the station with the witness, to take train for Ludhiana, tells a man (presumably, accused Hirda Ram) to prepare 4 inkpot bombs. Accused

and the witness reach Meerut (compare approver Mula Singh and P.W. 206) on the morning of February 3rd and, along with accused Pingle proceed to seduce troops there on the 5th, 6th and 7th the three of them pursue the same tactics at Agra, Cawnpore and Allahabad, reaching Benares (where they meet Rao) on the evening of the 7th. There they read in the "Pioneer" of the Chabba dacoity; accused says that a "Sikh Gunner", can be obtained; and further attempts to seduce troops take place. Accused sends the witness to Fyzabad with a copy of the Ghadr di Gunj; and the witness rejoins him and Pingle at Lucknow. On February 11th the witness is taken by Pingle to house No. 2, where he finds this accused, Rash Behari and Parmanand II. On February 13th, the witness meets accused at the house in Ludhiana of the deal approver Dalip Singh; and the witness is sent to get the loan of a bicycle (compare P.W. 223); and the same night, at the house of accused Puran Singh, the accused shows him and Puran Singh how to use a duplicator. On the morning of February 14th accused leaves on the bicycle for Lohat Badi, and the witness meets him in the evening at Dalip Singh's Boarding-house, when accused enquires from Dalip Singh whether the silver loot from Mansuran has yet been melted? On the morning of the 17th he arrives with the absconding accused, Anokh Singh, at Puran Singh's house to tell the witness that February 19th has been fixed for the rising, taking papers and flags; and dispatches the witness to Lahore to receive instructions from Rash Behari. The same night accused gives the witness pliers to complete his equipment from Ambala.

There are the very lengthy statements of witnesses against this accused; and no sensible person having heard them, could imagine that they are concoctions.

Approver Umrao Singh, who speaks as to accused's connection with the Ghadr Press, tells us that accused Balwant Singh implicated him as a Sahnewal dacoit; and that he himself saw accused cleaning a pistol at Sucha Singh's dwelling. The witness himself took part in the Mansuran dacoity; and he includes this accused among the participants, armed with 2 bombs, and a pistol which accused uses. He is another witness corroborating the allegation that accused took charge of the gold portion of the loot. He also corroborates Sucha Singh re the letter sent by accused at the beginning of February, calling in the witness and others urgently to Amritsar as they were required to preach sedition in regiments.

P.W.16 (the Deputy Superintendent of Police) states that approver

Mula Singh in his statement recorded between March 12th and 14th spoke of the visit of this accused Nidhan Singh to Kapurthala.

P.W.17 (Inspector Ahmad Khan) verified Amar Singh approver's assertion that accused had stayed at the Hindu Hotel, Lahore, under the name of "Naurang Singh", and we have the register of that Hotel (exhibit P.128). The witness also speaks of accused's arrest and as to the purchase of cloth for flags. P.W.36 who identified accused both on Jail parade and in Court, proves from his books the sale of cloth on February 15th and 17th; and identified the blue cloth in one of the flags.

P.Ws. 43 and 44 are a servant and the proprietor of the Hindu Hotel. They have identified accused as "Naurang Singh"; and we find that he put up at that Hotel on October 5th and November 24th, 1914.

P.W.61 (a Risaldar of the 22nd Cavalry) and P.Ws. 62 and 63 are as to the arrest of this accused along with accused Jagat Singh and Harnam Singh, Tunda at Chak No.5; and we adopt our remarks regarding their evidence in the separate cases of those two other accused. P.W.72, the Police spy gives corroborative evidence that accused brought coloured cloth for flags on February; and identifies exhibits P.24 A. to C. He also states that it was decided that accused should go to Ferozepore, and says that accused was present when he (the spy) was detailed to go to Dadher and Marhana with money, literature and a flag.

P.W.74 (who admitted that accused lived near him, but denied any relationship-and actually made out that he could not identify him in Court) admits that accused only spent one morning in his village just after his return from America.

P.W.75 (Lambardhar of accused's village) corroborates and says that accused ostensibly left to *visit a sister in Rajoana* (which place has been mentioned in connection with an abortive dacoity). Accused returned 10 days later and spent one day only. In cross-examination the witness said that he did not hear accused urging the villagers to join the party. He was able to identify accused in Court, although accused had put on spectacles and a small round cap. P.W.195 (Inspector Amir Ali) states that Amar Singh made a statement that he and accused worked together on the Ghadr Press without remuneration. P.W.206 (a Jemadar of the 12th Cavalry) gives evidence regarding the visit of Sucha Singh, approver, "Dalpat Singh" (i.e., Pingle) and this accused to Meerut, and as to the Urdu copy of the Ilan-i-Jung (exhibit P.235).

P.Ws. 223, 227, 228, 230, and 231 are all students, who corroborate

re-accused's visit to Sucha Singh, approver, the loan of a bicycle, the kalma rupee, talks by accused of a seditious nature, and about bombs. Some of them speak about accused in connection with the Sahnewal and Mansuran dacoities, one of them was able was to identify from among several photographs that of the absconder Doctor Mathra Singh (exhibit P.32); and we find that, amongst other things this accused was giving out the Bengal Party would join; that Germany would help; that Har Dyal would come with an Army!

P.Ws.385 (a Jamadar of a Regiment), 386 (Captain Cargill), 387, 388, 389 and 394 are Ferozepore witnesses. The regiment to which the Jamadar belongs had been stationed at Hong Kong; and about the end of 1913 it had been found necessary to prohibit the troops from visting the Gurdwara there. The regimental depot was stationed at Ferozepore; and, on its being found that some of the men had been attending a meeting, certain sepoys were turned out of the Regiment on February, the 19th (the day of the raid of house No. 1). One of these men (vide the evidence of Captain Cargill) returned to the Lines, and was arrested on February 29th with a heavy weighted stick. P.Ws. 387 and 388 give corroborative evidence. P.W.389 (Mr. Lamacroft, Inspector of Police at Ferozepore Cantonment) states that Constable (now Head constable) Maula Bakhsh reported to him the arrival of some 30 suspicious-looking men at the cantonment, who had entrained at Ludhiana. The Territorials patrolled the cantonment that night and later an Indian Officer brought in a copy of the Ghaddr Sandesa which was said to have been found on the road between the 2 depots. P.W. Maula Baksh corroborates as to the arrival of these men on February 19th none of whom he could identify.

In addition to all this, we find accused mentioned as a prominent member of the Ghadr Party in the confession of Indar Singh, Granthi. Accused (page 385 and 387); and accused's age is given therein as "about 27 years". He is certainly not 18½, us he wishes to make out. He is also mentioned in Nand Singh accused's confession (vide pages 409, 413, 415), which goes to corroborate the statements of prosecution witnesses.

Accused's statements will be found at pages 443 and 480 of the record. Whilst admitting having taken part in the Sahnewal dacoity (in which Khushi Ram was murdered) he has given us his own version of it. According to him funds were required "to bring out a newspaper to air grievances." He and his party went, armed with 3 pistols (one broken), a few cartridges, and 2 inkpot bombs (prepared by Mathura Singh),

which were supposed not to be dangerous and were only intended to frighten away any possible pursuers. Dalip Singh (the dead approver) took the gang to Sahnewal. According to accused, he himself took no part in the dacoity, but stood near a Thana ready to throw down the bombs in order to warn his companions, if necessary. The death of Khushi Ram resulted, more or less unintentionally, from a beating given him by the Anarkali murderer in order to make good his escape. It was an ingenious idea to endeavor to throw the blame on the Anarkali murderer, who has expiated his crimes on the gallows, but we are not prepared to believe this version of this dacoity, which version has obviously been concocted so as to take advantage of a certain Ruling of the Allahabad High Court. (the point has been elsewhere discussed in this judgment).

Accused has fully admitted his association with the Ghadr party in America, and his acquaintance with Har Dyal. He admits attending meetings at Astoria and Sacramento, and says the speeches *"would not have been considered seditious in America"*. He was deputed to found an Ashram in India "of the same type as the Yugantar Ashram"; and, if necessary, to circulate literature secretly. He attended the Ladowal and Badowal meetings, but not Moga (he says). He admits living at the Hindu Hotel under the name "Naurang Singh". He denies that there was ever any plan to attack Lahore Cantonment, and says that *Nawab Khan, whom he always suspected to be a spy, used to tempt him and his companions to attack some cantonment, in order to get them arrested.* He did visit Jullundur, but met no Bengali there. He knew Ganda Singh, absconder, in America only. He did go to Kapurthala in company with accused Parmanand II, Pingle and Amar Singh, approver, and there met accused Ram Saran Das, who was only asked to co-operate in the newspaper scheme, but who declined. He Pingle and Parmanand II did go to Sant Gulab's dharmsala but only to meet Mula Singh, approver, and discuss the project of a newspaper; but accused did not agree with Mula Singh's suggestion of "guerrilla warfare against Government." He gave Rs. 200 to Mula Singh to keep for the newspaper fund, not for the expenses of a Bengali expert. On the 15th or 16th January, he was at the Baba Atal house, but only discussed newspaper matters with Mula Singh and Amar Singh. About January 27th, Pingle introduced him to Rash Behari Bose at the same house, only because it was desired to have the newspaper issued in Bengali also. He did meet Nidhan Singh and others in Ludhiana in January, but there was no talk of bomb-making. He never went to

Jhabewal, but did take part in the Sahnewal and Mansuran dacoities, and did take gold ornament to Amritsar. He admits that he, Pingle and Sucha Singh visited Meerut, Agra, Cawnpore, Allahabad and Lucknow-but only to get sepoys to induce their officers to exert their influence on behalf of a deputation to the Viceroy about grievances. He admits a visit, with Sucha Singh to the Baba Atal house, where he saw Rash Behari, who called himself "Satish Chander": and was at the Gawal Mandi house in Lahore on February 12th, he admits borrowing a bicycle-just to visit the Girls' school at Lohat Baddi. He was present at House No.1 on February 15th, but it was only decided to meet again on the 21st for newspaper work. As Kirpal Singh, witness, was suspected of being spy, the date was altered to the 19th "to see what steps he would take."

He did buy cloth for flags; the flag being the symbol of the "Yugantar Ashram", signifying "liberty, fraternity and equality". It was only intended to make one flag; but as extra cloth had been obtained, more flags were made — (a particularly absurd explanation!). He was admittedly arrested at Chak No.5 with accused Jagat Singh and Harnam Singh Tunda, but never saw accused Bhai Parmanand till in Jail. He admits that he was trying to avoid the Police. He did meet approver Amar Singh and accused Jagat Ram and Pirthi Singh at Ladowal in November 17th, but only in connection with the newspaper; and admits that approvers Amar Singh, Nawab Khan, accused Nidhan Singh and Kanshi Ram (the Ferozshah murderer) were at Badhowal. He even admits the small incident of talking "to a sepoy" in a train (vide Nawab Khan's statement) about grievances. He asserts that he has never even seen Naurang Singh accused's shop.

This is a very full record of the accused's case, and it can be seen how very far his own statement goes to prove the truth of the evidence of the Prosecution witnesses. There are no Defense witnesses; there was practically no cross-examination throughout the trial; and before us the accused did not wish to argue his own case, nor to allow the counsel appointed for him to argue. If only remains to be said that the guilt of this accused has been proved to the hilt. He is a young man, no doubt, but he is certainly one of the worst of these whom no no mercy whatever can or should be shown.(Underlined by Shahid Bhagat Singh in the original document: Eds.)

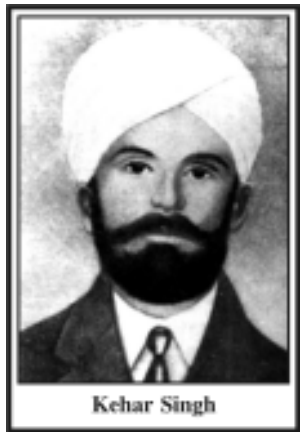
On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A, 122, 124 A, 395, 396, 397, 398, 131 and 132 of the Indian Penal Code.

We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

(40) Karam Singh, son of Sunder Singh, of Kotla Ajner, Police Station Khanna, District Ludhiana.

[Absconded, but was arrested and sent for trial in the Supplementary Lahore Conspiracy Case and sentenced to transportation for life. — Eds.]

(41) Kehr Singh, son of Nihal Singh, of Marhana, Police Station Sirhali, District Amritsar (gives his age as 62 years).


Kehar Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 547), admittedly reached India from America by the ss "Katana Maru" on January 7th, 1915. Whatever may be his real age, he certainly looked to us old and weak; and during a part of the trial we allowed him out on the bail. He has stated (page 472) that he went to America because a *Zaildar* troubled him, and returned to India because one son died, another was ill, and his people wrote him to return.

He was identified on jail parade of April 18th by the approver Mula Singh and the Police spy—approver Amar Singh failed to do so; but described him to the him to the Magistrate, and we have Mr. Scott's statement that Amar Singh was very nervous at Jail parade. Both these approvers and the spy identified accused in the court.

Accused's village Mirhana is apparently only about a mile from Dadher; and this accused is one of the men (including Bishan Singh, accused No. 9, of Dadher) whom the spy met at Dadher on February 18th. We adopt our remarks on the spy's evidence in Bishan Singh's case so far as they apply to the present case; but the case against this accused is even stronger than that against Bishan Singh of Dadher, No. 9.

Approver Amar Singh states (page 70) that he learnt from Mula Singh, approver, that this accused was one of those who had helped to

contribute Rs. 1,000 to the funds; and we have the statement of the detective, P.W. 110, that accused was one of these who visited Nanak Singh's *chaubara* on January 11th, 1915. Amar Singh further states that on February 14th, he and accused, and Nidhan Singh went to examine the Police spy Kirpal Singh as to his *bona fides*, that the visit of the spy to Dadher was decided on, and that accused was deputed to help in the proposed raid on Lopoke *thana*; and that mention was made of bombs and revolvers supplied by Mula Singh (*vide* page 76 and 87).

Approver Mula Singh has asserted that he met accused at Nanak Singh's *chaubara* on January 11th; and that accused contributed Rs. 100 out of the Rs. 800 then collected.

P.W. 72, the Police spy corroborates as to meeting accused on February 14th, when he (the spy) was informed that the general rising had been fixed for the 21st. He himself suggested the raid on Lopoke *thana* (which was never intended to really take place), and says that Nidhan Singh mentioned that there were 3 bombs and 3 revolvers with accused and others at Marhana and Dadher. Accused was told that the spy would visit him shortly, and that he should take what he brings, and give what he wants. It was arranged that accused and the Dadher accused should meet the spy in the Dadher *Dharmsala* (about which, as mentioned in the cases of separate accused, we have had the futile Defence evidence that it had been locked up), and accused was told that seditious literature (which he said was needed) would be brought him by the spy. On February 18th the spy met accused and the Dadher men at Dadher, and made over certain articles, and was given 3 inkpot bombs, some phials and a bottle of acid. We have already commented on his evidence in the separate case of accused No. 9, Bishan Singh, and have given our reasons for believing it. An attempt was made in cross-examination to make out that this witness had grounds for personal enmity, and he was questioned as to certain proceedings under section 107, Criminal Procedure Code. He stated that those proceedings were against himself and some 60 other men of his village (proceedings between 2 factions); but the Defence admittedly could get no clue to them (though this accused was allowed out on bail), and we have nothing whatever to prove enmity on the part of the spy.

P.Ws. 120, 121 and 195 are concerned with the production by this accused to the Police of March 28th of a revolver and cartridges (vide exhibits P. 164 A., B., C.) from the field of one Bhagwan Singh. The first of these witnesses is a *lambardar*, who states that accused returned

to the village 2 months before this recovery, but is not prepared to admit that accused ever left the village. The second witness prepared a plan showing Bhagwan Singh's field about 400 *karams* from accused's land, and he has denied that accused and Bhagwan Singh are related. The third witness is Inspector Amir Ali, who in cross-examination has said that they spy told him of *bombs* with accused Nos. 9, 10 and 80, and has denied that accused was a known bad character (whom the Police would be anxious to drag in somehow). P.W. 197 (Man Singh), who admitted having received a sentence of 14 years' imprisonment in connection with a murder, was tendered to corroborate.

Accused (page 472) denied having visited Nanak Singh's *chaubara* on January 11th; but admitting having visited Amritsar with some Rs. 650/- on his person. He asserted that he had bitter enmity with a *Zaildar*, and the witness, Man Singh. He denied all the spy's allegations; and said that his enemies had arranged the recovery of the revolver, etc., and that the Police had got Mula Singh and the spy to identify him at the *thana*. He denied having left his village, and asserted that he was arrested there and taken to Amritsar, where he was beaten and was told to produce something. He was then taken back to his village, and to a field where he was made to stand, while his enemy Man Singh, pointed out the place where the revolver and cartridges were found. His story and those of his Defence witnesses are utterly unconvincing. D.W. 107 (a Sub-Inspector of Sarhali) states that accused's absence was never reported to him; and admits that accused's *brother* has a history sheet. The remaining witnesses are D.W. 108 to 115 inclusive and D.W. 95. They include accused's brother, a cousin, and Bhagwan Singh, in whose field the incriminating articles were found. There are discrepancies in their statements, and vague allegations regarding the witnesses, Ujagar Singh, *Lambardar*, and Man Singh. We have no documentary proof of enmity, and do not believe this evidence. D.W. 95 has stated that the co-accused Wisakha Singh *said* that the Police had asked him to put a pistol in accused's house.

The Defence Counsel referred us to his argument in the case of accused No. 9 Bishan Singh, on which we commented in the case. He has urged that his client attended no American meetings; and has urged that Man Singh put the revolver and cartridges where they were found — but cannot suggest where Man Singh got them from. The *Lambardar* witness was not even cross-examined as to enmity, and D.W. 112, even denied that any existed on the part of that *Lambardar*. As we have said

already, the 3 revolvers and the bombs are exhibits in the present case.

The guilt of this accused has been clearly established; and we are only prepared to take into consideration in his favour the question of his age.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 122 of the Indian Penal Code and. We sentence him to undergo transportation for life; and, under sections 121 and 122, Indian Penal Code, order that such of his property as is liable to confiscation be forfeited to Government.

We are not prepared to recommend any reduction of the sentence, unless it be on the score of accused's age. (No reduction — Tortured to death in Andamans on 26th April 1919; Prisoner No. 38515 — Eds.)

(42) Kehar Singh *alias* K.S. Sidhu, son of Bhagel Singh, of Sahnewal, District Ludhiana.

[Absconded, but was arrested in May 1916 and sent up for trial in the Second Supplementary Lahore Conspiracy Case and sentenced to transportation for life. — Eds.]

(43) Kesar Singh, son of Bhup Singh, Jat, of Thatgarh, Police Station Taran Taran, District Amritsar, aged 40. (Vice-President of the Party. — Eds.) Ex-Soldier

Kesar Singh (young)

This accused, who pleaded "Not guilty" to the charges framed against him (page 519), but who produced no defence witness, is another of those ss. "Korea" passengers who were interned on arrival in India.

Kesar Singh (old)

We, of course, bear in mind the fact that accused had no opportunity of

producing witnesses from outside India; and we adopt in this case our general remarks re interned accused made in the separate case of accused No.36, and elsewhere in this judgment.

He was identified on jail parade of 18th April by approvers Amar Singh and Mula Singh. Nawab Khan did not attend Jail parades. Those three persons identified him in court, as did P.Ws. 362 and 380.

Approver Amar Singh mentions accused as a passenger by the ss. "Korea" and "Tosha Maru"; and approver Jwala Singh says merely (page 114' that he "thinks he saw him at Shanghai." Approver Umaro Singh (pages 335,336) states that he met accused at the "Yugantar Ashram" on August 28th 1914; and that accused addressed a seditious meeting at Hong Kong Gurdwara on the voyage.

Approver Mula Singh states that accused attended the Astoria meeting of March 1914; that he acted as president of the Sunday seditious meetings at Astoria; that in April1914, 1.000 dollars were raised and sent to the" Yugantar Ashram" in connection with Har Dyal's arrest; that accused attended an Astoria meeting in June 1914; and on hearing of the war, decided with others that the times were favourable for a revolution. According to the notes of two Commissioners the record, middle of page 91, is obviously incorrect; there is no Kasur Singh, accused No.4) this accused was present at a Portland meeting, and at the Sacramento meeting in August, when some 5,000 dollars were collected to provide returning Indians with arms. Mula Singh further states (page 9) that accused was one of his revolutionary group.

Approver Nawab Khan has asserted (page 122) that this accused was one of those he converted at Astoria towards the end of 1912 to his own way of thinking; and that accused was made President of the "Hindustani Assocation" on its foundation at Astoria. He was one of the depution sent to Portland in May 1913 to bring Har Dyal" with honour" to that place; was elected a member of the Fund Committee for Astoria; and, at a subsequent meeting at the Executive Committee, assisted at the Formation of the "Hindi Assocation" of the Pacific coast; the press to be called the "Yugantar Ashram", *to print the "Ghadr" newspaper and translate Savarkar's book on the Mutiny into Urdu*. After the meeting, says this approver, accused visited Har Dyal at the Hindu Hotel, and promised 10 dollars towards the fund for *bringing Ajit Singh*, the seditionist, from Paris. On August 29th, 1914 accused meets that approver at the "Yuganter Ashram" ready to sail for India, and presses him to

embark without money or baggage, which accused said were unnecessary "as they were going to lay down their lives." At the harangue on the beach just prior to the sailing of the "Korea" accused was designated as one of those whose instructions were followed. At Yokohama he was consulted before Ram Rakha and his companion were disembarked; and he and Jowala Singh accused brought accused Parmanand II on board. He visits other of the "party" on their boat at Kobe; and at Nagasaki is one of those who directs a further disembarkation of the three passengers with "secret instuctions." He directs the handing over of pistol and literature to Jagat Ram at Manilla to avoid search at Hong Kong; becomes a member of the Central Committee formed at Hong Kong; takes part in the seditious meeting on the "Tosha Maru"; attempts to seduce troops at Penang, and manages to make a brief seditious speech there in the Gurdwara (page 132). He is one of the deputation to the govemment there; and at Rangoon is stopped by a Subadar from making a speech at the Gurdwara, and visits a Pathan to get arms. This is Nawab Khan's indictment of him; he was not cross-examined; and it is difficult to see how he could have invented a story full of all this detail.

Approver Udham Singh simply states that in his presence a man of "Thatgahar" (accused's village) was told by accused Wasawa Singh of Gilwali of accused's intenment in Ludhiana jail. The "man of Thatgahar" is P.W. 181 and the fact that Wasawa Singh (who was not a "Korea" passenger, but came by the ss. "Salamis") knew about accused shows that the *accused was a man of importance*. P.Ws. 362 and 380 are the two " Tosha Maru" passengers (mentioned before), who state that accused was one of the speakers at the seditious meetings on board; and the first of them corroborates that accused read extracts from the " Ghadr" at Hong Kong Gurdwara. We have no good grounds for believing that this accused is the "Jemadar" mentioned in Nand Singh's confession. He admits he was *once in a cavalry Regiment*.

Accused (page 462) denied all connection with the American Ghadr Party, and the various allegations made against him. He stated that at Astoria he was nothing more than a member of the management of the small Gurdwara, and that was only one of 150 persons who visited Har Dyal at the Hindu hotel, having heared of him as a well-known man of intellect. He returned to India because his sister wrote that his father, mother and wife had all died of plague (he has produced no evidence to support this assertion); and had intended leaving on a ship on the 15th

August, which was stopped from sailing on account of the war. He was only told by accused Jowala Singh of the meeting with Subadar at Hong Kong; and never even got off the boat off Penang, being ill with fever. At Rangoon he only visited the Gurdwara. It is to be noted that approver Nawab Khan was never even cross-examined; and yet at the end of his statement, accused has asserted that he and Nawab Khan worked in the same mill at Astoria, where the latter used to foment Hindu- Muhammadan quarrels; that Nawab Khan, embezzled some money, and that accused exposed him, hence his enmity. As regards approver Mula Singh, accused has stated that he only knew him by sight in Astoria, and never saw him again until on jail Parade. He has suggested no reasons why this approver should have given evidence against him; but as suggested that " Possibly" the witness P.W.362 was released from internment for the express purpose of giving evidence against him.

Accused's counsel has urged that no conspiracy existed in 1912, and that possibly the promise of 10 dollars towards the fund to bring Ajit Singh from Paris was made "in a moment of enthusiasm" very possibly, it was! We have the same argument regarding alleged differences between the approvers as to who were leaders, and the remarks as in accused Jowala Singh's case regarding the different reconnoitering parties at Penang. We are told that Amar Singh does not mention the same Kobe incident, but why should Nawab Khan have thought of inventing? It is true, certainly, that nothing incriminating was found with this accused when he was interned.

In our opinion the connection of this accused with the conspiracy prior to his internment has been fully established.

On consideration of the above evidence, we convict this accused of offences under section 121 (abetment of waging war), 121 A, 124 A and 131 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in December 1915. Prisoner No. 38376. Was offered release on medical grounds by Punjab Government but refused. Was released in 1933. Sentenced to one year R.I. in 1935-36 for a seditious speech. Was in jail for participation in Amritsar Kisan Morcha in 1938-39. Remained under detention in Deoli Camp and Gujrat jail during 1940-43. After independence was confined in Yol Camp jail from 1948-1951. Expired in 1962. — Eds.]

(44) Kharak Singh, son of Ganda Singh, of Bhupa Rai, Police Station Rai Kot, District Ludhiana, student.

This accused, who pleaded "Not guilty" to the charges framed against him (page 551), was formerly a Ludhiana student. He has given his age as 14 years; two of the Commissioners considered him to be 16, and one of them thought him to be 14 or 16 — he has soft hair appearing on his upper lip. We are quite ready to agree with his Counsel that asccused is at "the impressionable age"; but it is quite apparent that, lured into a plot by a set of scoundrels, this accused did what he could to assist his co-conspirators. He was one of those arrested in house No. 1 at the raid of February 19th, 1915.

He was identified on Jail parade of 18th April by approvers Amar Singh, Mula Singh and the Police spy; and on that of the 24th April by approver Sucha Singh. The same persons identified him in Court, as did also. P.W. 227 (by name) and P.W. 268 (Udham Singh of Hans — the man who returned from Italy).

Approver Amar Singh states (page 76) that he first met accused on February 13th at Sant Gulab Singh's *dharmsala* in Amritsar along with other conspirators, and understood him to be a companion of accused Kirpal Singh, student. This accused came to Lahore with other conspirators to the house No. 1 on February 14th, attended a meeting there next day, and was sent with accused Jagat Singh to collect men and funds from Jallo direction. That on the 17th he returned to Lahore to enquire where the men were to assemble — and we have the evidence that he arrived with men shortly before the raid on the 19th. What earthly reason had this approver for concocting such a story against this youth?

Approver Mula Singh meets him about February 11th at accused Hardit Singh's shop, in company with the absconding accused Sajjan Singh (also a youth), saying that they were acquainted with accused Kartar Singh and Jagat Singh and the Anarkali murderer, who used to stay in Ludhiana; and that they wanted to join the party. Accused is sent by this approver to arrange for a house in Ludhiana; and told him that many other students were ready to join. These two students this approver also saw at *Mussammat* Atri's house in Amritsar on February 13th (vide page 105). P.W. 227, formerly a Ludhiana student, who identified

accused by name in Court, has said that accused did not visit Sucha Singh, approver, frequently.

P.W. 72, the Police spy, states that accused was at house No. 1 on February 15th, when it was decided to collect men for the 21st; and that accused and Jagat Singh were sent off to the Jallo side to collect men. On the 19th accused arrived at house No. 1 shortly before the raid.

P.W. 16 Liaqat Hayat (Deputy Superintendent of Police) tells us that accused, after his arrest, stated that he had gone to house No. 1 to meet the accused, Kirpal Singh, student; and gave the clue that certain books found in that house belonged to Kirpal Singh. P.W. 17 (Inspector Ahmad Khan) tells us how, on February 22nd, accused pointed out house No. 2 — and exhibit P. 95 in the list of the articles found there.

Accused in his statement (page 396) denied most of the allegations against him; and denied even knowing accused Jagat Singh. He admitted having told the Inspector that he had come to house No. 1 to see accused Kirpal Singh, and on a question suggested by his Counsel, endeavoured to explain how he came to tell the Inspector this. His own story was that he became ill in February and so applied to have his name removed from the school registers. One Jawand Singh happened to meet him near the clock tower in Ludhiana on February 16th and suggested taking him to Lahore to get sanction for accused's enlistment in a Cavalry Regiment, saying that he had also got accused Kirpal Singh of accused's village enlisted. Accordingly, accused and this Jawand Singh came to Lahore on the 18th, and Jawand Singh took him to house No. 1, telling him that a "Jamadar" and other recruits were there. Approver Amar Singh met him and Jawand Singh at the door of house No. 1, and said that there were too many recruits there; so Jawand Singh was given the key of house No. 2, where accused spent the night with other "recruits" — not one of whom accused can name! Next day he and Jawand Singh returned to house No. 1, where they found Amar Singh and the Police spy, and were told that the *Jemadar* had gone to the *bazaar*. Accused went to sleep and was arrested by the Police. Amar Singh, after the raid, threatened accused for giving a clue to house No. 2.

We have heard several absurd stories as to how different accused came to be in house No. 1 at the time of the raid; but this story is certainly the most foolish of them all. Nevertheless, it was thought necessary to produce D.Ws. 114 to 149 (two students of a Ludhiana

School, and a few persons of accused's village) to try and support this story. Their statements carry no conviction whatever; the accused's own father was neither produced, nor even summoned; and of course, the mysterious Jawand Singh has not been produced. Evidently, the absurdity was noticed of making out that a youth of 14 (as alleged) was likely to be eligible for the Cavalry — so the Defence witness No. 149 was produced to say that his son, aged 15, had enlisted 5 months before in an Infantry Regiment.

Of the guilt of this accused there can be no manner of doubt; and we see no reason to accept his Counsel's suggestion that he was unaware of what he was doing. It is urged that Mula Singh never consulted accused about dacoities — of course he did not; and it is in Mula Singh's favour that he did not even try to name this young student. It was during the argument on behalf of this accused that a Defence Counsel once more tried to rake up the absurd suggestion that the absconding Rash Behari is really a Police spy, who had perhaps put the bombs in house No. 1. It has been sought to make out that the mysterious Jawand Singh was the absconding accused of that name; but this is absurd, since this youth would have been of no use in a fight, and might have (had he really been falsely decoyed to the house) got away and informed the Police. The witness, Sant Gulab Singh, probably took no notice of him, as being only a youth. Had accused not been very much in the confidence of the conspirators, he would scarcely have been receiving his orders (page 77) from Rash Behari himself. We have no evidence in support of Counsel's assertion that accused is the son of a Lance-Daffadar of the 4th Cavalry, pensioned after some 23 years' good service — and his father has not been produced. We, of course, take into consideration the youth of this accused.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 122 of the Indian Penal Code. We sentence him to transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government.

However, on the score of accused's youth, we make the very strongest possible recommendation to mercy; and, had it been in our power to inflict a lesser a lesser punishment, we should have done so. — 4 years.

(45) Khushal Singh, son of Suchet Singh, of Padri, District Amritsar, Jat, aged 22.

Khushal Singh

This accused, who pleaded "not guilty" to charges framed against him (p.553), is not a returned emigrant, though he is alleged to have had knowledge of the conspiracy, and have taken a part in the Chabba dacoity, in the course of which Beli Ram was murdered.

He was identified on Jail parade of the 18th April, and in Court by approvers Udham Singh (who himself took part in the Chabba dacoity); and in Court by in Mula Singh, approver, who stated that he saw this accused with accused 24 and 35 at Sant Gulab Singh's dharmsala the morning after the Chabba dacoity, and who identified him at Padri when taken there by the Police to identify approver Udham Singh. Mula Singh has said in cross-examination that he only saw accused once at the Dharmsala, when it was somewhat dark, and that he is not positive about his identification (P 110). *He stated that accused was pointed out to him by the Police among several persons at Padri* — this is denied by Inspector Amir Ali, P.W.195. P.W.141 speaks as to the first list of property stolen at Chabba (Ex. P.183); and P.W.132 on March 23rd took accused's kurta to the Chemical Examiner, whose report is Ex.P.90 N., to the effect that blood-colouring matter was detected on the above kurta.

Approver Udham Singh states that towards the end of January 1915 *accused agreed to join in a dacoity for the purpose of getting funds for the revolution;* and he tells us that accused took part in the Chabba dacoity, and left one shoe stuck in the mud there. He helped to carry the loot, but had to pass it on to accused 7 on account of an injured hand. Accused out of the loot kept a small box containing a nose -stud (p.233); and went off to Sant Gulab Singh's dharmsala. This approver states that he got accused a new pair of shoes from Sur Singh village; and that accused subsequently produced the small tin box to the Police. Approver and accused belong to the same village, and no attempt was made to cross-examine the approver as to enmity. From P.Ws.16 (Deputy Superintendent, Police) and 124 Gurbaksh Singh, Zaildar, we find that the clue of this accused was obtained through accused 7, Bakshish Singh,

himself a Chabba dacoit, who implicated him on February 9th. P.Ws. 158, 159 (an 'Ala Lambardar), and 169 (a Lambardar), are mainly as to the production by accused of the tin box (Ex. P. 182 from one Jiwan Singh's manure- heap. The Ala Lambardar attested search list Exhs. P. 187 A.B. and testifies to accused's kurta, which appeared to have been washed, being taken off him. He states that accused admitted having sold the nose-stud to Bur Singh, gold smith. This witness said what he could in favour of accused, when cross-examined, namely, that the manure-heap was in an open place; that there is no jhatka shop in Padri; and that accused is married (i.e., that his wife might have had a nose-stud). P.W. 170 is Bur Singh, goldsmith, who says that accused sold him a gold nose-stud, which he melted. Cross- examined, he has tried to support the defence story that accused having joined the "Singh Sabha" his wife no longer wears ornaments; but the witness had to deny that accused ever sold him any of his wife's ornaments, and also said that the nose-stud was not that of a Jatni, but of a Brahmin woman or Khatrani, P.W. 183 (father of Udham Singh, approver), who only said a few words against accused, was not cross-examined as to enmity.

Accused (p. 432) denied having been in the Chabba dacoity; but admitted his arrest at Padri. He admitted that his kurta was taken off him, but denied saying he had washed it. He denied having produced the tin box Ex.P.182; but admitted having sold his wife's nose-stud to witness Bur Singh. He asserted that he never knew Mula Singh till the identification in Padri; and that Sohan Singh, father of Udham Singh, approver, had several times invited him to join in dacoity, but that he had always declined the invitation. He asserted that he had quarrelled with Udham Singh, approver, about the rent of his land. Neither Udham Singh, nor his father, was cross-examined about this alleged enmity when produced as a prosecution witness; though a futile-attempt was made to discredit the latter when, with the court's permission, he was produced as D.W.15.

The defence witnesses D.Ws. 5to 16 inclusive give evidence as to character; and in support of the utterly unconvincing, theory that accused joined the "Singh Sabha" some time ago, and then sold off all his wife's ornaments to different persons including the nose-stud to Bur Singh. In our opinion, that evidence is not worth the paper it is written on.

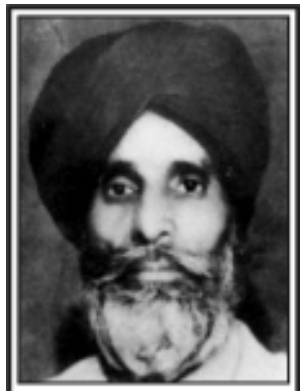
Counsel for the defence has urged that the nose-stud and tin box (which belonged to the murdered Beli Ram's widow) were not entered

in the first list of things stolen (Ex. P.183); but the tin box was quite ordinary, and the nose-stud was a very small article. As regard the bloodstained kurta, Counsel has urged that as there is no Jhatka shop in Padri, the Padri villagers have to slaughter their own goats, but he forgets the evidence that there is a Jhatka shop at Sur Singh, not far off. In short, we find no force in any of the arguments for accused; and consider that he took part in the Chabba dacoity (in which murder occurred) with the knowledge that the dacoity was committed to get funds in aid of the conspiracy.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121-A, and 396 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead, and order that such of his property as is liable to confiscation be forfeited to Government.

[His agricultural land forfeited in 1915 was restorted after a century in 2013, that too through a writ petition filed and contested by one of the Editors, M.J.S. Waraich, before Punjab and Haryana High Court, Chandigarh — Eds.]

(46) Kirpal Singh, son of Narain Singh, of Bhopa Rai, District Ludhiana, student, aged 18 or 19 years:—


Kirpal Singh

This accused, who pleaded "not guilty" to the charges framed against him (p. 555), was admittedly a student in the Khalsa School at Ludhiana — another of the students lured into this conspiracy by older scoundrels. He was arrested at midday on February 21st just outside the door of house No. 1.

He was identified on Jail parade of 18th April by approvers Amar Singh and Mula Singh; by approver Sucha Singh on Jail parade of April 24th, and by P.W. 283. In Court by the same approvers, and by P.Ws. 30, 214, 227, 228, 230, 231, 268 and 283.

Approver Amar Singh states that about the 29th January 1915, this accused was introduced to the conspirators at Amritsar by accused Kartar Singh as being "one of us", and that on probably February 2nd (p. 73) the witness along with accused and the absconding Rash Behari came to

Lahore, accused being given a bundle of pistols to carry. Accused leaves his 2 companions at the Gawal Mandi House; and goes to the Khalsa Boarding House to a friend; and next day is told by this approver to bring his bedding to the Mochi Gate house; an goes to Ludhiana to get it. On February 7th, he is at the Baba Atal house, and goes to Ludhiana to get it. On February 7th, he is at the Baba Atal house, Amritsar, when witness returns from Lahore with 3 revolvers. On the 9th February he leaves for an abortive dacoity with others in the direction of Kartarpur, taking the 3 revolvers and 5 or 6 inkpot bombs. He leaves again for another abortive dacoity, returning on February 11th; and then accompanies the witness and accused Hirde Ram to the Mochi Gate house. On the 12th February he is sent by this approver to Ferozepore with Rs. 10 to bring the wife of Jewan Singh (one of the Ferozepore murderers). Neither this approver, nor approver Mula Singh was cross-examined as to why either of them should be falsely implicating this student.

Mula Singh (p. 99) mentions accused as one of those who visited Rash Behari at the witness' house between January 15th and 30th. Witness calls him a previous acquaintance of Kartar Singh, and says that about 6th February, he came to Lahore with Rash Behari, who brought 4 pistols and one out or repair from Amritsar. Mula Singh also corroborates Amar Singh *re* the *2* abortive dacoties.

Approver Sucha Singh, who states that he and accused were fellow-students an in the same circket team, asserts that he and accused made copies of the *Ghadr-di-Gunj*; that accused was with him when he purchased sulphur and *mansal* (p. 272); and that accused took part in the Mansuran dacoity, armed with a stick. In this dacoity no one was murdered, but some 5 persons were injured, mostly by bombs.

Approver Umrao Singh, who met accused at Sucha Singh's a few days after the Sahnewal dacoity, also implicates him at having been in the Mansuran dacoity armed with a stick, and says that accused was called to Amritsar by Kartar Singh to be used for preaching in regiments.

P.W. 16 (Deputy Superintendent, Police) gives evidence as to accused's books found at house No. 1 on February 19th after the raid (the *Exhibits* are P. 30 B.E.F).

P.W. 17 (Inspector Ahmad Khan) speaks as to the arrest of accused in the doorway of house No. 1, and says that accused offered no explanation for his presence there. He named (p. 161) the witness Iqbal Singh as his host, thus giving a clue to that witness, and himself wrote

out a statement for the Inspector.

P.Ws. 30, 31 and 32 — the first of whom is Iqbal Singh — support the Inspector's story, and clearly prove Iqbal Singh's messing accounts, — Exhibits P. 133 A and B, which show that he had a guest from 1st to 4th February, and on the 10th of that month, and on January 15th. Iqbal Singh, who has no enmity whatever with accused, and is his co-villager, has told us of accused's visits to him; when accused preached revolution, said he had brought 2 or 3 revolvers from Amritsar with other men, and mentioned "a Bengali, and the collection of arms". The witness told neither the Principal of his school, nor the Police, but did tell Bhai Dharm Singh, and accused was warned not to come again. P.W. 214, an old school-fellow of accused; corroborates that accused was in Kartarpur about the beginning of February. P.Ws. 227 to 231 inclusive (4 students and a former Superintendent of the "Islamia Boarding House, Ludhiana") give evidence in support of Sucha Singh, approver, *re* the copying of the *Ghadr-di-Gunj*, and accused's taking part in the Mansuran dacoity; and one of them (P.W. 227) indentifies the copy-book, out of *Exh*. P. 30 B., as belonging to accused, both from its contents and because accused's name is in it. P.W. 228 saw accused with Sucha Singh and accused Kartar Singh, when Kartar Singh talked about the ingredients of bombs. Now, these witnesses have certainly no reasons whatever for trying to falsely implicate accused.

Accused (p. 446) denied the allegations against him, and said that he did not even know the absconding Rash Behari by sight. He suggested no reason,s however, why the prosecution witnesses (especially his co-villager, Iqbal Singh and his old school-fellow P.W. 214) should have given evidence against him. His story of his connection with house No. 1, was utterly ridiculous — namely, that on the 11th February, he came to Lahore to enter the Commercial College, and at Amritsar Station met a man, whom he knew before, *though not his name*, who invited him to the house, whither he went with his books and bedding. This man told him that the Commercial College would not open till the 1st of the next month, so, after spending the night, accused returned to his village (apparently leaving his books and bedding behind him).

On February 21st, he returned to get his books and bedding, and was arrested by the Police. He admitted that *Exhs*. P. 30 B. and P. 30 E. and F, were his books and bedding. Defence witnesses, 150 to 154 inclusive, were produced to support this absurd story, and we do not

believe them. Nor do we believe D.W. 155 (a man of Jaspal Bangar village), who has tried to prove that accused was in his village, Bope Rai, from January 22nd to 29th — and so could not have taken part in the Mansuran dacoity on the night of January, 27th.

Accused's Counsel has argued that approvers Amar Singh and Mula Singh disagree (by about 4 days) as to the dates when the pistols were brought from Amritsar; but P.W. Iqbal Singh's statement is in corroboration of them. It is urged that as accused was not allowed into the Gawal Mandi house, he could not have been in the conspiracy; but we have evidence that Rash Behari took a good deal of thought for his own privacy, and one of his reasons for leaving Amritsar was that there were too many youthful students about the place, Counsel has asked — "Why should accused have brought his school books to Lahore?" — but we frequently find students preparing for examinations, whilst, at the same time, taking part in seditious propaganda; and one of the student accused was even allowed out on security after his arrest in connection with an examination. An extremely feeble point has been urged in respect of P.W. 30 (Iqbal Singh), namely, that "he must have read about the revolvers in some newspaper, and have thought that he would be required as a witness." Lastly, it is urged that accused is an excitable student, and this, of course, we are ready to believe.

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Accused's part in the conspiracy, and in the Mansuran dacoity has been fully established — and we are only prepared to take into consideration his youth.

On consideration of the above evidence we consider that though it is probable that his acts do amount to an offence under section 121 (abetment of waging war), 121A, and 395 of the Indian Penal Code. We sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfand 395 of the Indian Penal Code. We sentence him to undergo transportation for life, and order that such of his property as is liable to confiscation be forfeited to Government.

On the score of his age, we recommend this accused to mercy; but not so strongly as in the case of other student accused. — 10 years. (Sent to Andemans — Eds.)

[Deported to Andemans on 29th October 1915. Prisoner

No. 38379. Released in 1918. Resumed his studies. Deputed by Desh Bhagat Parivar Sahayak Committee to visit Bombay and other places in company with Baba Wasakha Singh Dadehar in 1925 with the object of ascertaining their grievances and submitting recommendation for monetary help to their families. Later employed as Head Master of Khalsa High School at Kamalpur, P.S. Jagraon, District Ludhiana, while still holding radical views. — Eds.]

(47) Kishen Das, *Sadh*, son of Khazan Singh, of Babarpur, Police Station Dehlon, District Ludhiana, aged 60:—

This accused, who pleaded "not guilty" to the charges framed against him (p. 557), is admittedly a *Sadh* having a *dera* at Babarpur; and the main allegation is that his *dera* was made a starting place by the Rabhon dacoits, whom he even accompanied himself on one of the abortive attempts.

Accused was identified in court and on jail parade by approver Narain Singh and P.Ws. 252 and 315 (*Mussammat* Sardi, whose premises were looted). We may say at once that there was nothing extraordinary about those last 2 witnesses being able to identify accused — they are local people, who would know him and his *dera*.

P.W. 198, Ichhar Singh, admitted that he had never seen this accused himself; and all that he could state was that (p. 260) the absconding accused, Gandha Singh, had mentioned that accused had put up the Rabhon dacoits at his *dera*, and had promised him (Ganda Singh) a cartridge loading machine given to him (accused) by a dacoit.

Approver Narain Singh, who himself took part in the Rabhon dacoity, states (p. 263) that accused's *dera* was used as a place of assembly by the Rabhon dacoits; who made various abortive attempts from there, and finally, the successful dacoity of February 3rd. He further says that accused himself, armed with a *gandasa*, joined in the second abortive attempt; that he lend a *gandassa* for the fifth abortive attempt; and a lantern and spade for the successful attempt. That accused (*vide* p. 268(was advanced by Gandha Singh, absconder, Rs. 5 on account of a gun which he said he could procure. There is nothing to show why this approver should have attempted to falsely speak against accused; and he has even said in his favour — "accused only knew us as dacoits, not as revolutionaries."

P.Ws. 252 and 257 speak as to men assembling at the *dera*, and P.Ws. 278 and 286 (a Sub-Inspector) as to the finding of a lantern and spade (*Exhs. P.* 233 A.B.) and a crowbar at the *dera* on February 22nd, when accused was arrested, P.W. 252 has stated that accused borrowed his iron axle on the plea that he wanted to use it with a pulley for drawing water; and P.W. 263 has stated that accused gave him the axle to sharpen at one end "for digging holes for fencing", the work to be completed the same day. Witness returned it to accused's *chela* — and next day heard of the Rabhon dacoity, for which purpose, we are to suppose, this crowbar was required. It is difficult to see why these witnesses should wish to falsely implicate an old *Sadh* — their feelings would rather be the other way. P.W. 285 (a most intelligent boy, aged about 14 years) is accused's own *chela*. He is, admittedly, quite blind of one eye; and can see but little with the other; and he tells us that on different occasions several men came to the *dera* and discussed dacoity; and that accused himself suggested that Mt. Sardi, *Khatrani*, of Rabhon, was unprotected and worth robbing. He says there were unsuccessful attempts; that accused promised to get a gun from a *Subedar*, and was advanced Rs. 5 by one *Bhaiji* (possibly, Gandha Singh, absconder). He says that he heard mention of pistols; and the names of "Amli" and others; he speaks of the lantern, spade, *gandassa* and crowbar, and says that he "understood" that accused was given Rs. 80 by the dacoits. The Defence have, naturally, suggested that this young *chela* has his own axe to grind in trying to get his *Sadh* into trouble; but it is noticeable that he has not tried to make out that accused took part himself in any of the attempts on Rabhon.

Accused (p. 475) has denied the allegations against him; and has said that a number of persons come to his *dera*, which is very probably true. He has admitted that the lantern and spade belong to him, but has denied lending them to dacoits.

He produced D.Ws. 195 to 200, inclusive, to prove his good character at Babarpur, and at Mamatpur, where he previously had a *dera*.

A reasonable point taken by the accused's Counsel is the improbability that an old weak man like accused would voluntarily go himself to a dacoity, armed with a *gandassa*. There is certainly force in this argument — and it is quite possible that the dacoits, who included ruffians like the absconder Gandha Singh, took accused along with them on one occasion for the purpose of sealing his mouth.

We are not prepared to find that this accused was aware of the conspiracy; and Narain Singh, approver, has distinctly said that accused only knew him and his companions as dacoits. We see no reason to doubt that accused was fully aware that Narain Singh and his companions were dacoits, and that they were using the *dera* as such; and he, no doubt, assisted them as alleged. We are, however, quite ready to consider how far an old man like the accused had it in his power to raise any objections, when a number of burly *jats* assembled at his *dera*; and when pressure was, in all probability, put on him by ruffians like Gandha Singh.

On consideration of the above evidence, and in view of the fact that accused has been so long under detention, we consider that, though we now convict this accused of an offence under section 176 of the Indian Penal Code, it will be sufficient if we sentence this accused to undergo simple imprisonment until the rising of this Court; and this we do.

(48) Kidar Nath, son of D. Bhag Mal, of Lahore, Khatri, aged 25:—

Kidar Nath

This accused, who pleaded "not guilty" to the amended charges framed against him (p. 559), is not a returned emigrant. (In the first paragraph of the charge sheet, the dates 17th, 19th and 21st January 1915 were amended to 17th, 21st and 22nd January 1915).

Accused's statement and supplementary statement will be found at pages 378 and 628. According to his statement, he was the proprietor of the *Khabardar* Press and newspaper of that name.

On Jail parade of April 18th, approver Amar Singh pointed him out simply as "a man he knew", and the Police spy, Kirpal Singh, pointed him out as "a man he had seen in a house with Amar Singh". Amar Singh identified him in court by name; and the spy pointed him out as "a man he had seen".

Approver Amar Singh's statements regarding this accused will be found at pages 71 and 83 (cross-examination) of the record. According to the witness accused Kartar Singh told him to find out this accused's address; and on January 17th the witness went to accused Nand Kishore (discharged by our order), and asked for particulars. Nand Kishore sent his servant with the approver to accused Kidar Nath's house, and the approver then recognized him as an old class-fellow of his at the Technical School. On the occasion of this visit, the approver told him that a rising was contemplated. On January 21st he again visited Kidar Nath, and asked if he could procure a revolver; and Kidar Nath said he could get one "just then" (i.e., practically at once), and also offered to get a gun, which the witness said was not required. On January 22nd this approver again visited this accused, who gave him a revolver, and was given Rs. 40 to get cartridges — the revolver being put by the approver in the Gawal Mandi House. In cross-examination (p. 83), this approver, who seemed somewhat uncertain as to his dates, finally stated that his visits to this accused took place on January 17th, 21st and 22nd, and that on the occasion of the first two visits he talked to accused about his political aims and ideas. He paid nothing for the revolver which on February 16th he made over to the Police spy; and though he (as alleged) gave accused Rs. 40 to get cartridges, he never afterwards asked accused for the cartridges. He never asked accused to join "the party"; and at the first meeting did not know whether he belonged to "the party". He never saw accused in any of the conspirators' houses in Lahore.

Approver Mula Singh only states that at about the beginning of February Amar Singh mentioned that he had got "a gun, a revolver and a country made pistol" from one "Amar Nath" or "Kidar Nath"; who had no cartridges, but would get some. P. W. 193 (Assistant Jailor, Multan) has spoken regarding an intercepted letter, but we have no proper proof on this point, and omit it altogether from consideration. P. W. 17, Inspector Ahmad Khan, has stated that on March 14th approver Amar Singh stated that accused had given him a pistol, and had been given Rs. 40 to get cartridges. This witness also stated in cross-examination (p. 165) that orders for arrest of this accused were issued on March 15th or 16th; that accused was believed to be in hiding; that he had first seen accused some 3 months before his arrest on March 24th; and had heard of him as a political suspect. P. W. 369, Khan Sahib Abdul Hakim (Deputy Superintendent of Police of Criminal Investigation Department) tells us of the arrest of this accused in Lahore about 11 P. M. on March 23rd or 24th. The witness received information that one Diwan Chand (D. W. 78) was harbouring accused. A watch was kept; and both accused

and Diwan Chand were arrested in the street.

Accused (p. 378) has denied any previous acquaintance with Amar Singh — and the allegations of that approver. He only knew Anand Kishore as the owner of a laundry, and says that he once had a suit against him. He states that about a fortnight before his arrest he went to Hardwar; and asserts that as he used constantly to criticize Police methods in his newspaper, he was looked upon as a political suspect; and so has got into trouble, and that a man (mentioned by Amar Singh, approver) had actually started a false case against him. In his supplementary statement (p, 628) he questioned Amar Singh's dates and asserted that in those days he was away in Rawalpindi and Peshawar on certain urgent business.

Now, this last assertion looks to us very much like an after thought, and we cannot say that we are much impressed with the evidence produced in support of it. Accused has produced in support of his alleged visit to Peshawar (where his urgent business seems to have been a search for an uncle) D.W. 138 (the Editor of the *Shanti* newspaper, of Rawalpindi), D.W. 139, an Octroi official of Rawalpindi; D.W. 140; D.W. 141 (a Peshawar goldsmith), and D.W. 83 (*Ahlmad* of the Lahore District Court, who was on a year's leave). These witnesses are not really exact as to dates; the "sick uncle" was never discovered; and it appears that Ex. D. 16 — the issue, of the *Shanti* newspaper of January 16th — did not actually appear till the 18th. In fact, the Editor of that paper has had to admit that the paper can seldom issue on the date given on the paper, for instance, the issue of January 23rd appeared on January 27th. D.W. 81 (District Sub-Inspector of Police, Lahore) and. D.W. 82 (Mr. Grey, Confidential Inspector of Police, Lahore) tell us that accused, whose movements, as a political suspect, have apparently been watched since 1907, was reported to have left Lahore, for Ferozepore on the evening of January 17th and to have returned to Lahore on the 20th; and that enquiries at Ferozepore did not confirm his visit to that station. According to that evidence, it would have been *possible* for accused to have met Amar Singh in Lahore on January 17th, 21st and 22nd. D.W. 77 (a Lahore journalist), who admitted, having published letters of the notorious Ram Chand, *Peshawaria*, gave evidence that accused had contributed to his paper *The Hindu* (now stopped), articles against the Police complaining of searches and shadowing — one signed-article being *Exhibit* D. 13 in the issue of May 2nd, 1914 — and further stated that in 1911 it was considered advisable to take accused temporarily into custody.

D.W. 78, Diwan Chand, bookseller of Lahore, has denied harbouring accused, but has admitted being himself arrested practically along with accused; and we see no reason to doubt that he had been harbouring accused. D.W. 79 (Mehta Anand Kighore — whom we discharged, giving him the benefit of the doubt) has admitted knowing accused since childhood, and has given an unconvincing account of an alleged dispute with him; but he has denied having ever given Amar Singh any assistance to find accused. D.W. 80 (Sub-Inspector of Lahore *Kotwali*) searched accused's house at the beginning of January 1915, in connection with certain proceedings under section 307, Indian Penal Code, but nothing objectionable was found. It was then reported that accused ought to be put on security as a seditionist, but this also fell through. A few days later, proceedings under section 107, Criminal Procedure Code, were started on a complaint by one Amar Nath, Parashar (mentioned by approver Amar Singh) and, according to Mr. Grey, accused did ask for a copy of the. Police papers in those proceedings, but they were confidential.

D.W. 84 whose statement is not particularly convincing has been produced in support of accused's alleged visit to Hardwar.

Now, though we are certainly not much impressed by the bulk of the defence evidence, the question really becomes whether we are prepared to convict this accused on what is really the bare statement of Amar Singh, approver — for, Mula Singh has only stated that he "heard" certain things from Amar Singh, and he and Amar Singh do not entirely agree. Then again, we have the noticeable point that, though Amar Singh Says he gave Rs. 40 to accused to get cartridges, he seems to have taken no more thought about them. In the interests of this accused we have examined, pages 27, 28 and 29 of the printed statement to the Magistrate, and page 17 of the printed statement to the Police (on which there are two paragraphs towards the end of the statement dealing with this accused). To the Magistrate Amar Singh stated that he did not tell accused that he had come to see him at the bidding of accused Kartar Singh; that on the occasion of this first visit he only had a *casual talk* with him, and was invited to spend the night, but declined. That it was on the occasion of his second visit that he told accused about the intended rising, and asked him if he could get revolvers; and that it was on the third visit (January 32nd) that accused gave him a revolver in a leather case, and was given by him Rs. 40 for cartridges. The statement to the Police was, naturally,

not made in such detail; but in it Amar Singh made no mention of having ascertained accused's whereabouts through Anand Kishore. He stated that he straightway consulted him about obtaining arms; that on a second occasion the accused gave him a revolver in a leather case, which he (the approver) made over to the "fat Bengali", who subsequently gave it to the Police spy, Kirpal Singh; and that it was on the occasion of his *third* visit to accused that he gave accused Rs. 40 for cartridges, and was told he could be given a gun, which he said was not required, because it would be a difficult thing to conceal.

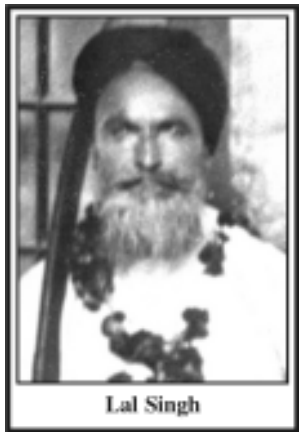
We attach no weight to the argument of accused's Counsel that Amar Singh, seeing that accused was a Lahore man, should have employed him for renting houses, and that accused attended no meetings at the conspirators' houses. Unquestionably, the accused was a political suspect whose movements were watched (as he well knew); and he had perforce to be extremely cautious. It is perfectly possible (and may even be consistent with accused's innocence) that accused may have thought fit to keep out of the way, if he became aware that the Police were suddenly looking for him, and there is certainly some force in his Counsel's argument that, though Amar Singh was arrested in house No. 1 on February 19th, there is nothing to show that accused immediately absconded. Then, we have the fact that, though admittedly the accused used to make newspaper attacks on the Police on account of their action against himself, we have no evidence, documentary or verbal, to show that he ever otherwise attacked Government or the policy of Government. Counsel for the Crown has urged that accused (like the discharged accused Nand Kishore) belonged to the clique of seditionists of the *Bharat Mata* of 1907, and that he was the sort of person that the conspirators would have wished to get in touch with; but all that we have to see is whether the *evidence* produced against him justifies our convicting him in the present case. With the question whether he be a person whom it may be desirable to watch, or to intern in the public interests, we have nothing to do.

We are not prepared to say with any certainty that approver Amar Singh has deliberately concocted a story against this accused; but the case against accused really rests on his evidence, and we have pointed out various discrepancies. Our conclusions, therefore, are that, as regards this accused, there are in our minds doubts as to his guilt; and of those doubts he must, in justice, have the benefit.

On consideration of the above evidence, we give this accused the benefit of the doubt; we acquit him; and order that he be forthwith released from custody.

[Remained actively involved in militant activities like Naujwana Bharat Sabha, Kirti Party while making extensive use of his literary and oratarial talents.— Eds.]

(49) Lal Singh, son of Mihan Singh, of Bhure, Police Station Tarn Taran, District Amritsar, aged about 30:—


Lal Singh

This accused, who pleaded "not guilty" to the charges framed against him (p. 561), is not a returned emigrant. He was admittedly arrested in Padri village, not far from his own village of Bhure, on March 21st, 1915.

He was identified on Jail parade of April 18th by Mula Singh, approver, and in Court by approvers Mula Singh, Udham Singh, and P.Ws. 158 to 161, inclusive. According to the Prosecution, approver Udham Singh at Jail parade was only present for the purpose of trying to identify certain dacoits.

Approver Mula Singh states that he was introduced to this accused (p. 95) by accused Jagat Singh, and gave him, Jagat Singh and accused Indar Singh, his Amritsar address. On page 97 he tells us how accused came to him, asking for a saw capable of cutting iron. Accused Kartar Singh was sent to Lahore to obtain this; and the approver has identified the hack-saw *Exh.* P. 38, as the one which he gave accused 30, Indar Singh, to convey to this accused. (Other evidence regarding *Exh.* P. 38 has been discussed in the separate case of accused 30.) This approver (p. 109) thinks that it was this accused who told him on one occasion that accused Kartar Singh and Nidhan Singh had promised arms, but had failed to supply them. In cross-examination he stated that he had named accused to Inspector Amir Ali at Padri; and this is corroborated by that Inspector (P.W. 195), who called in accused to Padri on March 20th; found nothing incriminating in his house, but arrested him for conspiracy.

Approver Udham Singh (p. 227) has stated how he, along with accused 30, Indar Singh, met this accused at the *Jhar Sahib* (not far

from Padri and Bhure) forwards the end of November. Accused told him that the *Jhar Sahib* had been selected as being an out of the way place, and that men were to assemble there next day to concert a meeting; that arms were being obtained; and that some of the men could make bombs. This approver has further stated that accused agreed to join in the Chabba dacoity, the date of which had not been fixed at the time, but, apparaently, he did not take part in it. P.W. 158, who appeared to be a respectable person of Padri (a mile distant from accused's village) states thast accused (a known bad character), on the 28th November 1914, collected a large gang of men at the *Jhar Sahib*, whom accused fed at his house. Witness enquired from accused's brother, who said that the men were only for the purpose of fighting against Government, looting Treasuries and so on. The witness reported to the Deputy Commissioner of Amritsar on November 30th. On December 2nd or 3rd three sowars from Lahore Cantonment came asking the way to the *Jhar Sahib*, and were arrested by the Police. The witness admits that he gave evidence against accused in proceedings under section 110, Criminal Procedure Code (*vide Exh.* P. 185, the final order in which is dated February 1915) but on no other occasion. He states in cross-examination that he saw that the gang had arms, that accused's brother-in-law, a returned emigrant, lives at Dadhir, that the witness Kapur Singh went with him to the Deputy Commissioner and was with him when he questioned accused's brother, Pal Singh.

This evidence is corroborated by P.W. 161 (of Padri), and by P.W. 160, Kapur Singh, *Sahukar*, of Padri, who was only the other day murdered by a gang. This last witness denied having had a case against accused about a watercourse, but admitted that some one of his village had had one. From Exh. D. 26, however, we find that a complaint re a watercourse was lodged by witness Kapur Singh against accused Lal Singh, his brother Pal Singh, and other persons — though, apparently, the watercourse watered the land of other villagers besides that of Kapur Singh, P.W. 159 (*Ala Lambardar* of Padri) and P.W. 169 (*Lambardar*) speak as to accused's being sent for to Padri, and arrested; and so does P.W. 186 (the Court Inspector of Ludhiana) who recovered the hack-saw (*vide* our remarks in the separate case against accused 30) P.W. 336 has stated that at Lobatbadi this accused gave a clue to a bottle of acid, which was recovered from a well, and was sent to the Chemical Examiner.

Accused (p. 433) had denied all the allegations against him; and

has alleged that he has been implicated entirely by Kapur Singh, with whom he had a dispute; and Kapur Singh's friend, the witness Sardar Ali. We have nothing on this record to support accused's assertion that he was arrested one day prior to a hearing fixed in his case with Kapur Singh. The complaint in that case is dated 17th September 1914; it appears to have been instituted on October 2nd, 1914; and to have been decided on 31st March 1915.

The Defence witnesses are D.Ws. 118 to 128 inclusive. Most of them simply deny that any assembly ever took place at the *Jhar Sahib* or at Lal Singh accused's house. They include a *Mahant* and a *Sadhu* of the *Jhar Sahib* — persons not likely to admit that anything seditious ever took place there; but the former, whilst asserting that Kapur Singh had come and asked him to give false evidence, was obliged to admit the truth of the story that three *sowars* had been arrested in front of the *Jhar Sahib*. This witness at first stated that "he had had no talk" with Kapur Singh. The *Sadhu* also stated that Kapur Singh asked him to give false evidence.

D.Ws. 124 and 127, two *Patwaris*, have been produced along with plans, *Exhs*. D. 14 and 15, to show that witness Sardar Ali's land would not lie on the way from Bhure to the *Jhar Sahib*, and that Lal Singh's house would not be visible from that land. D.W. 125 has asserted that Sardar Ali was accused by a *Zaildar* for forgery — no documentary evidence has been produced — and, though D.W. 123 has spoken of the disputes between the murdered Kapur Singh and this accused, D.W. 122 (*Lambardar* of Bhure) says there was "not much enmity" between them.

Counsel for the Defence has referred us to his arguments in the case of accused 30, *re* the purchase of the hack-saw; and we adopt our remarks on those arguments. We do not attach importance to his argument that accused "could not have left his village at the time when Mula Singh says he asked for the saw, because the report had been made on the 30th and the police were after him" — we have evidence that he did leave his village; it is not shown that he knew of any report; and, if he did, perhaps that was the reason why he did not himself go to get the saw.

There appears no doubt whatever that a report of an assembly was made to the authorities, with the result that three *sowars* were actually arrested (as admitted by the *Mahant*) in front of the *Jhar Sahib*; and, though it may be possible that Kapur Singh was partly instigated by personal motives in making a report, we are certainly not prepared to believe that he concocted his story along with Sardar Ali. Nor can we see

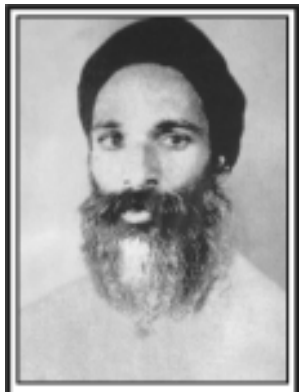
why approvers Mula Singh and Udham Singh (who have not been cross-examined as to reasons for enmity) should have concocted their stories against this accused.

Our opinion is that the connection of this accused with the conspiracy has been established.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 122 of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans on 29th October 1915. Prisoner No. 38503. — Eds.]

(50) Madan Singh, son of Mal Singh, Tarkhan, of Gaga, Police Station Burki, District Lahore, aged 28:—



Madan Singh

This accused, who pleaded "not guilty" to the charges framed against him (p. 563), is apparently a Preacher of the *Panth Khalsa* at Lahore Cantonment; and has stated that he has a house in the *Sadr Bazar* there (p. 398).

He was identified on Jail parade of 18th April by approvers Amar Singh and Mula Singh and the Police spy, and in Court by the same three witnesses and P.Ws. 40, 52, and 102.

Approver Amar Singh states (p. 74) that approver Mula Singh asked him to go to Lahore Cantonment, and find out from this accused and Balwant Singh, *sowar* of the 23rd Cavalry, how many men of that regiment would be ready to join. Amar Singh, accordingly, went to see accused on February 3rd; told him to sound the feelings of men in the regiment; and spent the night with accused. On February 11th approver and accused Hirde Ram took a message from Mula Singh to accused; and on the 12th Amar Singh finds Mula Singh at accused's house. All three of them then go to look for Balwant Singh; and accused brings from the cavalry lines a Sikh *sowar*, who says that his comrades must first know more of the plans for a rising. The approver and Mula Singh and accused then go to select a place of assembly with a view to the proposed attack on Lahore Cantonment magazine, and accused then goes

with Mula Singh to the house of the Editor of the *Khalsa Akhbar* in Lahore. Amar Singh follows them there; and takes them to house No. 1, whence accused returned to cantonments. On the morning of February 13th accused comes to house No. 1, saying that two men are enquiring for Mula Singh. The two men prove to be Balwant Singh, *sowar*, and the Police spy, Kirpal Singh; and Amar Singh takes them to house No. 1, where they find Dr Mathra Singh (absconder) and accused Hirde Ram and Indar Singh of Sur Singh present. This is Amar Singh's statement, on which he was not cross-examined.

Approver Mula Singh states that he first met accused, who was recommended to him by accused Indar Singh of Sur Singh as "a good worker", about January 12th; and that accused took the letter to *Mussammat* Atri *re* the renting of her house in Amritsar. Further, that on one occasion accused told this approver that arms were procurable at Sukkur, and that about January 14th Amar Singh told him that he had sent accused with Rs. 40 to Sukkur. Further, that later accused brought a country-made pistol from Sukkur, though, in cross-examination, the witness admitted that he could not remember the date (p. 112). The pistol has been identified as *Exh.* P. 25E. This approver corroborates Amar Singh by stating that on February 12th he went to visit accused, and Amar Singh arrived (with a copy of the *Gadr Sandesa*); that all three went to find Balwnat Singh, *sowar*, and that accused brought a Sikh *sowar*, whose name (this witness thinks) was Lachhman Singh; that the same day they went to select the place of assembly; and then to Lahore, where accused and this approver went to the *Khalsa Akhbar* office, being joined there by Amar Singh.

There was practically no cross-examination of this approver; and what conceivable reason could he have had for inventing this story against a preacher of the Sikh religion, especially the portion about Sukkur?

Part of this story is corroborated by P.W. 40, the Editor of the *Khalsa Akhbar*. Accused used to bring him handbills for review and witness remembers him visit along with "Panjab Singh" (i.e., Mula Singh) whom this witness verified from his books as "Mula Singh of Oregon", an old subscriber to his paper. The witness identified in court approver Amar Singh as the third man who came that day, and has said in accused's favour that he never knew him speak of politics. P.W. 72, the Police spy, who was himself for three years in the 23rd Cavalry, corroborates Amar Singh, and says that on February 13th the accused took him and Balwant Singh, *sowar*, to Lahore to visit Mula Singh,

who, they found, had gone to Amritsar (he was arrested in Amritsar that afternoon), so the accused introduced the spy to Amar Singh. P.W. 52, Kala Singh, of the *Topkhana Bazar*, Lahore Cantonment, has identified Amar Singh as like a *Mona* who, along with a Sikh, came to his shop with accused. P.W. 16 (Liaqat Hayat, Deputy Superintendent of Police) states that on February 14th the spy reported to him that accused was an active sympathizer, and was being used as a house of call; and Mula Singh mentioned him in connection with accused Pingley, and mentioned the visit to the *Khalsa Akhbar* office.

P.W. 17 (Inspector Ahmad Khan) tells us that it was accused himself who gave the clue to Kala Singh, *mistri*, and that accused mentioned the *Khalsa Akhbar*. This witness states that accused was arrested on March 8th, that nothing incriminating was found in his house, and admits that accused was one of those whose photographs were taken. P.W. 102 is *Mussammat* Atri who states that accused brought her a *ruqa* and Rs. 2 in connection with the renting of her Amritsar house.

Accused (P. 398) has admitted assisting in the renting of *Mussammat* Atri's house, which, he says, was at accused Naurang Singh's request. He has denied most of the approver's allegations, but has admitted the visit to the *Khalsa Akhbar* office. According to his story, he chanced to meet Mula Singh, whom he did not know before, in the *Topkhana Bazar* with a *Mona* (presumably, Amar Singh), and Mula Singh asked him where the *Khalsa Akhbar* was, as he wished to discontinue taking in the paper. Accused had been to condole with Kala Singh over a bereavement; and, as he himself had to go to Lahore about hand-bills, he guided Mula Singh to the Press. Now it is, on the face of it, unlikely that Mula Singh would have been searching for the Press in Lahore Cantonment. Accused further stated that at the end of January he went to Amritsar to bathe, and met Mula Singh (whom he did not even know by sight) at Naurang Singh's shop, and was asked to take the letter to *Mussammat* Atri, which he did.

The defence witnesses are D.Ws. 213 to 218 inclusive. They give accused a good character and state that he has delivered lecturers, illustrated by magic lantern slides, on the life of *Guru Nanak*; that he was once Secretary and of a local *Singh Sabha*; and was once associated with a loyal telegram to His Majesty the King Emperor. One of these witnesses is a pensioned *Risaldar*, who is Secretary of the Manjha Diwan Society.

It is quite true, as urged by counsel for the defence, the approver Amar Singh made no mention of the Sukkar incident, but it has also to be

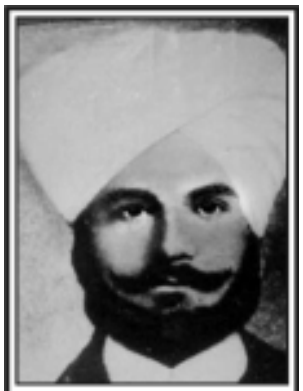
noted that the defence did not apply to have him re-called for cross-examination on that point. We are not prepared to accept the suggestion thast the spy was enabled to indentify accused because he was shown a photograph of him. It has been urged that Balwant Singh, *sowar*, and Lachman Singh have not been produced; but we have no information as to the former's whereabouts at the present time; and, if produced, he would not have been likely to incriminate himself, while the name Lachman Singh was only hazarded by Mula Singh, who was not sure of it, though he was able to describe the man he was speaking of. The accused himself has said that Mula Singh was "unacquainted with Lahore" — and as Counsel for the Crown has pertinently asked — how did Mula Singh know that a cemetery was selected as a place of assembly? Again, why should this Preacher of Lahore Cantonment have been wantonly selected as as suitable person upon whom to foist the story of the country-made pistol?

We see no reason to doubt the guilt of this accused and his connection with the conspiracy.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war) and 121A of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in October 1915. — Eds.]

(51) Mangal Singh, son of Sarmukh Singh, of Lalpur, Police Station Tarn Taran, District Amritsar, aged 31 (Ex-Soldier):—


Mangal Singh

This accused, who pleaded "not guilty" to charges frames against him (p. 565), was admittedly one of the "*Korea*" passengers and was interned on his arrival in India. Some of our remarks regarding interned accused (*vide* the cases, for instance, of accused 36 and 41) will apply to the case of this accused.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh and by the spy (who only stated that he had seen him in the Hong Kong Police). On Jail parade of April 24th

approver Jowala Singh simply said that he had seen him in Shanghai. He was identified in court by these persons and approver Nawab Khan (who was not present at Jail parades).

Approver Amar Singh has simply mentioned accused (p. 63) as a passenger from Hong Kong, which does not look as if there were any special desire to concoct a case against this accused.

Approver Mula Singh states that accused, along with Kanshi Ram (the Ferozeshahr murderer), Ram Rakha (absconder) and others, attended the Sacramento meeting in August 1914, and that accused was one of his revolutionary group — page 91. Approver Umrao Singh states that accused was one of those who he saw at the "Ghadr Press" on August 28th, 1914 (p. 335). Approver Nawab Khan has named him (p. 131) as one of the party deputed to tamper with troops at Penang.

Accused (p. 478) denied all connection with the *Ghadr* party in America and having ever been to Sacremento. He denied having even landed at Penang, and stated that he was unaware of the existence of a "*Ghadr* Press." He stated that the approvers must have named him to save themselves, and that he returned to India after 11 years' absence, as his parents wrote to him to come and look after them and get married.

D.Ws. 163 to 167 inclusive (among them being a brother of accused) were produced to support the reason given for accused's return to India. We, of course, take into consideration accused's inability to produce witnesses from outside India, but we fail to see why the approvers should have concocted evidence against him and it is apparent that they have not tried to exaggerate.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 131 of the Indian Penal Code. We sentence this accused to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government. Possibly, this may be considered a case for mercy.

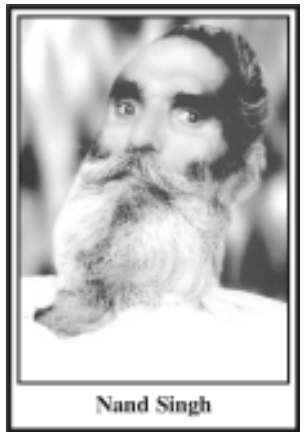
[Deported to Andemans in October 1915. Prisoner No. 38183. Released under Royal Amnesty in 1919. Remained active in Akali and revolutionary movements throughout his life. — Eds.]

(52) Mathura Singh, Dr., son of Hari Singh Khatri, of Dhudyal, Police Station Chakwal, Jhelum.

Mathura Singh (Dr.)

[Absconded, but finally arrested and sent for trial in the Third Supplementary Lahore Conspiracy Case and sentenced to death. — Eds.]

(53) Nand Singh, son of Ram Singh, Jat of Kalla, Police Station Rai Kot, District Ludhiana, aged 32.


Nand Singh

This accused, who pleaded "Not guilty" to charges framed against him (p. 567), apparently reached India by the SS. "Nam Sang" on October 13th,1914, on which boat the absconding accused 35 and accused Sohan Singh also arrived. He was arrested at his village on March 3rd 1915.

This accused was not identified by any one on Jail parade. Counsel for the crown, in arguments, has stated his impression that accused, having made a confession, was not present at jail parades, but the point is uncertain. He was identified in court by Nawab Khan, approver, P.W. 198 Ichar Singh and P.Ws. 264, 268, and 287.

Approver Nawab Khan's story regarding this accused is as follows, He first met accused in Vancouver in 1911; and at Badowal about the end of November 1914. Accused Kartar Singh asks him to bring this accused to Lahore (p.136); so a message is sent to accused to meet the witness at Jagraon. The witness learns from accused of the Ferozeshah incident, and is warned to make himself scarce; and on November 30th accused refuses to accompany the witness anywhere on the plea of "a swollen foot." On or about December 11th accused meets the witness at Burobarian and starts with him and others to dacoit a wealthy Brahman of Bhinwal. He explains his absence from the Phagwara meeting by saying that he and Jawand Singh, absconder, were away getting potash from Hoshiarpur. We find that the proposed

dacoity failed, and that it was arranged to assemble at Chaheru on the 19th to attack the Doraha Military Bridge Guard. We know that this approver was arrested for purposes of internment; and he tells us that after his release on bail on February 15th, this accused came to him on the 18th and told him that the 5 dacoities with which we are concerned in the present case had been committed by "himself and his friends"; and told him the names of several of the present accused as participators in the dacoities at Mansuran and Chabba. Accused further told him that he had helped to melt gold bars at Lohatbadi; that Rs. 10,000 had been sent to accused Bhai Parmanand; that accused Parmanand II had supplied many revolvers; that accused Nidhan Singh had sent him (accused) 2 maunds of bomb powder; that he himself had purchased sulphur and glass phials that Nidhan Singh had gone to Pindi to seduce such troops; and that a horse had been purchased for Rs. 200. Now, many of these assertions of this approver are fully borne out by this accused's own confession.

P.W. 198, Ichhar Singh (P.254), states that he was introduced to accused by Buta Singh (the accused who was absconding in this case, but who has now been hanged in connection with another case) and that accused used to preach sedition. That accused sent him a message to meet Gandha Singh absconder, and the Anarkali murderer, and introduced him to accused Uttam Singh, absconder, at the witness's shop in Raikot as "one of our Party." Accused was present at a meeting at the Gurdwara on January 29th; leaves for the Jhaner dacoity; and, on the way back receives Rs. 135 from Buta Singh out of the money given by Uttam Singh for purchases of a gun. Of this amount, accused makes over Rs.70 to Nidhan Singh, and keeps the balance for revolvers. This witness, at page 255, also mentions accused, in connection with the horse purchased from Mit Singh, witness, for Rs 200. In cross-examination he states that he knows of no case against accused, though Mit Singh is a connection of the witness. Approver Narain Singh was unable to identify this accused in court, but he has said that he " only learnt accused's name afterwards"; that he only saw him once in the dark, and would not be able to identify him. However, he has stated that accused, armed with a pistol, accompanied him, "Amli" the Anarkali murderer, and others to the Jhaner dacoity (p.264).

Approver Jwala Singh only states that he knew accused at

Shanghai. P.W. 264 (son of Ichhar Singh, witness) stated that he once saw accused at the Gurdwara; and added, in cross-examination, also once at Ludhiana Thana, P.W. 268 (Udham Singh of Hans the man from Italy) corroborates that accused was present when the absconding Uttam Singh handed over Rs.1,000 to Nidhan Singh. P.W. 271, who did not pretend to identify accused, states that accused came and pointed out to the police the witness's shop as the shop where he had obtained nitric acid, sulphur and 11 small glass phials (Exh. P.255)

P.W 287 is an important witness, Mit Singh, who was not even cross-examined as to any enmity. He states that The AnarKali murderer and the absconding Gandha Singh bought his horse through accused, who belongs to his village. He was present on March 3rd when accused's house was searched, and the memo- block (Exhs. P.260) was found. Also, on March when accused caused the recovery of a cloth full of sulphur, Iota (v. Exhs.P.261 A.B-bomb-case), 9 glass phials, sandpaper (Exhs. P.259-261C.) Saltpeter and powder (P. 261 D.E.), 4 bundles of powders (P.262); and from accused's own field the Iota with the screw top (P.263). Also the same day, accused took this witness and others to the vicinity of the Doraha Railway Bridge, where from the canal Patri were dug up 6 Iota bombs loaded with chemicals (Exh. P264).

P.W. 289 was produced re the purchase of the horse.

P.W 300 (a sub Inspector), who arrested accused at his village on March 3rd, corroborates as to the finding of the memo-block (of which Exh. P. 260 A, is a transliteration made by (P.W.326), and as to the recovery of the bombs, etc. P.W 334 (circle Inspector of Ludhiana) tells us that witness Ichhar Singh mentioned accused on February 27th; and P.W 335 (a Sub-Inspector of the Criminal Investigation Department) that approver Nawab Khan mentioned him on February 23rd in connection with sulphur from Raikot and phials. This witness corroborates P.Ws. 287 and 271.

Before this accused was questioned, he was required to listen to his confession, which was recorded by Lala Shibbu Mal, Magistrate, 1st Class, at Ludhiana, on April the 6th and 7th, 1915. He admitted to us having made that statement and that he had signed it; but asserted that it was utterly false and that he had been beaten by Police constable with 3 Thanadars looking on. The confession in question covers pages

406 to 425 of our printed record.

Accused denied all connection with the Ghadr party in his statement before us, and gave as his reasons for returning to India that he had been away 8 or 9 years. He denied wandering about after his return, or meeting approver Nawab Khan; in short, he denied all the allegations against him, but admitted that witness Mit Singh did sell a horse though he himself was not concerned in the matter. At the conclusion of his statement he added that his statement to the Magistrate really only consisted of a couple of pages, but that the Police added more pages, and then caused him by violence to sign the whole docoment after reading it to him. He produced one witness for his defence D.W.156 Lambardar of his village who only stated that he was not present when any discovery was made in the fields, and that he had never heard that accused was against Government.

Accused's confession has been very fully dealt with elsewhere in this judgement, and we do not propose to discuss it again here. We see no reason whatever to doubt that accused made it voluntarily; and it forms most powerful corroboration of the statements of the various prosecution witness even down to trivial incidents like the "swollen foot".

Exh. P. 260, the memo-block, has also been separately dealt with, and all that we need say here is that that document goes even further than the Ghadar' newspaper in its advocacy of the burning of churches and the wholesale massacre of Europeans of both sexes.

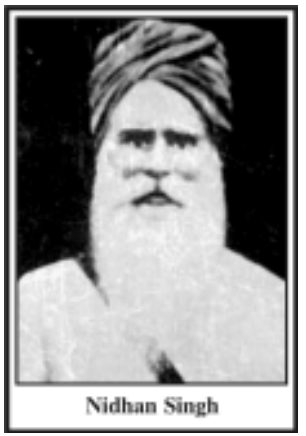
Of the guilt of this accused there can be no possible doubt whatever. His counsel argued mainly on the value of retracted confessions a point with which we have dealt elsewhere and also urged (why, we cannot understand) that the witness Mit Singh was an accomplice. The Police, no doubt, got the name of this witness from accused's confession.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 395 and 398 of the Indian Penal Code. We hereby sentence him to be hanged by the neck till he be dead; and we order that such of his property as may be liable to confiscation be forfeited to Government.

[Deported to Andemans in December 1915. Prisoner No. 38375. Remained in jail till 1933-34. — Eds.]

(54) Nidhan Singh, son of Sunder Singh, Jat, of Chuga, Police Station Dharmkot, District Ferozepore, aged 60.

Nidhan Singh



Nidhan Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 596), *is one of the most important of the accused in the present case*; with a dossier second only to that of accused Kartar Singh. He admittedly left San Francisco by the ss. "Korea" on August 29th, 1914; left ship at Nagasaki for Shanghai; and arrived at Colombo (for Madras) on the ss. "Mashima Maru" on October 25th, 1914. He was arrested on April 29th, 1915 (three days after the commencement of this trial), after a violent assault with a dagger upon a Police constable. This evidence against him is overwhelming; and, except *as regards dacoities (of which, at first at any rate, he does not seem to have approved)*, he appears to have lent his willing aid in most departments of his conspiracy. Regarding him we have the evidence of six approvers the witness, Ichhar Singh, and 14 other Prosecuition witnesses.

He was identified in Court by approvers Amar Singh, Mula Singh, Jawala Singh, Nawab Khan and Sucha Singh; and by P. Ws. Ichhar Singh, 72 (the Police Spy,) 99, 172, 202, 203, 204; the students 230 and 231; and 267, 268 and 370.

Approver Amar Singh stated that "probably" this accused or accused Jawala Singh brought accused Parmanand II on board the ship at Yokohama; but, from other evidence we find that it was not this accused, but accused Jawala Singh and Kesar Singh who brought Parmanand II on board. This approver's story conitinues as follows:– At Nagasaki accused leaves the "Korea" to collect both money owing to him, and men, at Shanghai. He arrives with a following at Hong Kong on the ss. "Mashima Maru" and proceeds to Madras. He is present at meetings at Ladowal, Moga (twice) and Phagwara; and offers to collect debts due to

him and supply funds for the purchase of arms. He is told to bring his men to Mullanpur; and we find him attending the Baddowal-Mullaupur meeting with adherents, with whom he goes from Moga to collect at Ludhiana. He is at first opposed to the scheme of an attack on the Lahore Magazine, on the ground that the party "was not strong enough" to hope for success; but to the Badowal meeting he and accused Kartar Singh bring money, which is doled out, and it is decided to assemble at Lahore Cantonment. He goes to the Majha to inform Gujar Singh's men of the plan of attack. He is told by Kartar Singh, accused, of the expected arrival of a Bengali at Jullundur at the end of November; and at Kapurthala, in company with accused Kartar Singh and Pingle, meets the witness and accused Parmanand II; and it is decided to meet approver Mula Singh, and make definite arrangements for a revolution. He returns with the witness and Pingle to Amritsar, and meets Mula Singh at accused Naurang Singh's shop. He is intrduced to Dr. Mathra Singh and by him to accused Hirde Ram; and is one of those who go to make trial of the experimental bomb near the canal (vide page 69). When accused Rash Behari proposes moving to Lahore to manufacure bombs and start a seditious press, the accused offers financial support. After a meeting at Sant Gulab Singh's dharmsala, accused leaves for Ludhiana. At the same dharmsala, on February 13th, the witness informs accused that the 21st has been fixed as the date for the rising. On the 14th accused and the witness and others go the Police Spy Kirpal Singh to examine him as to his bona fides; accused recognizes the Spy as a Shanghai acquaintance, and is also re-assured by Balwant Singh, sowar, who was accused's fellow -passenger on the "Mashima Maru". Accused and Harnam Singh, Tunda, go to Lahore to consult Rash Behari; and on the 15th after a meeting at house No. 1, accused is sent with accused Harnam Singh of Jhelum and Gurmukh Singh to Pindi, Jhelum and Hoti Mardan, to distribute "Ghadr di Gunj" to the troops, and prepare for local risings on Febuary 21st. We find (page78) *that accused and his companions met the Spy at the Lahore Railway Station; and it was owing to their suspicions of the spy that the date was altered from the 21st to the 19th*. The extremely short cross-examination of this approver with be found at the bottom of page 83.

Approver Mula Singh speaks of him as one of those returning for a revolution in August 1914; and says (page 92) that 500 dollars (originally collected for the "Komagata Maru" passengers) were made over to accused by the Shanghai Gurdwara for national work in India. We find from the

witness that several persons at Shanghai were without the passage money for India; and we are to understand that these funds were used by accused for the chartering of the ss. "Mashima Maru". The witness makes over to accused 6 automatic pistols and 600 cartridges supplied by "a German friend" of one Karam Chand. About the middle of December 1914, the witness learns from accused Jagat Singh of Sur Singh of accused's visit to Kapurthala with accused Kartar Singh; and later on meets those two persons in Amritsar and learns of the arrival of accused Pingle, Parmanand II and Approver Amar Singh (compare Amar Singh's statement). At a conspirator's meeting at the Virpali dharmsala, when Dr. Mathra Singh is introduced, accused suggests having a bomb -factory near Ludhiana, page 96 (this was the Jhabewal factory where material for bombs was prepared); and the witness gives accused and Parmanand II and Mathra Singh Rs. 150 for Jhabewal expenses. Later on, accused is given a bottle of acid by the witness. Towards the middle of January at Gulab Singh's dharmsala, accused tells the witness and his co-conspirators that his "Nihang gang" is ready to revolt; that chemicals are ready at Jhabewal; but that bomb cases are required. Sanyal is sent to Benares with Rs. 500 for arms and the expenses of the Bengali bomb expert; and accused returns to Ludhiana. About the first week in February the witness meets accused at Mussammat Atri's house with a Jat stranger from Canada, and accused gives witness 14 sovereigns and some rupees, totaling Rs 1,000 — the proceeds of dacoities in the Malwa tract out of which the man from Canada is given Rs. 300 to get a gun and pistol, and as accused's name had become known to the Police, the witness advises him to go to Pindi to seduce troops. On this occasion the accused gives witness the long Afghan knife (exhibit P. 30 A). This knife was recovered from house No. 1, after the raid on February 19th; and we have the evidence of the Spy (page 187) that it was brought to that house just before the raid by accused Balwant Singh. All that was elicited in cross-examination of this witness (page 111) was that accused knows Gurmukhi.

Approver Jawala Singh states that he first knew accused at Shanghai where they were both watchmen, before accused went to America. Accused was treasurer of the gurdwara there. During September 1914 accused arrives at Shanghai in company with Dhyan Singh (who was killed in the Ferozshahr incident); lectures in the Gurdwara on revolution; distributes "Ghadr" literature; and takes on board the "Mashima Maru" this witness and some 70 or 80 Indians. At Madras, after arranging to

meet at the next Tarn Taran Amawas fair, and at Moga during the first week in November at the shop of Sri Ram, accused goes off to visit a shrine in the Nizam's dominions; and prior to his deprture advances the witness a sovereign to get a fresh ticket in place of the one he had lost when drunk. About the beginning of November he meets the witness and others at Sri Ram's shop; and out of a false-bottomed bucket (one of four) are extracted arms, wire-cutters, hack-saws, cartridges, etc. Accused departs with Bakshish Singh, saying he will send a message when the others are required. Soon afterwards accused again meets the witness at Sri Ram's shop, and send him off to Ghal, and to tell accused Roda Singh that pistols expected from Bengal should be awaited at Mehana station. As a "Leader" *the accused abstains from liquor*. He again meets the witness at Sri Ram's shop, and tells him that there has been some mistake about the arms from Bengal and that Ganda Singh, absconder, and accused Roda Singh have been sent to learn bomb-making. He meets the witness at Badowal towards the end of November and tells him to collect certain men and take them to Moga. On November 24th, accused himself goes to Moga along with "Amli" and others; and tells the men assembled there to assemble by twos and threes next day near Lahore Cantonment to get the keys of the Lahore Cantonment armoury and attack the Territorials. This approver tells us the sources of this accused's funds, namely, Shanghai subscription, *and money advanced by a Lahore Sahukar at the instance of a brother of senditionist Ajit Singh*. Nothing of value was elicited in cross-examination (page 119), except that accused had personally but little to do with matters like thefts and dacoities.

Approver Nawab Khan tells us that the approver landed at Nagasaki with "secret instructions" to procced to India via Shanghai; and that he arrived at Hong Kong with some 60 adherents, and was made a member of the Central Committee. As the accused had to leave for Colombo, it was arranged to meet at Ladowal on November 17th, and to start a seditious Press. Accused leaves Hong Kong on the "Mashima Maru," which he himself has chartered, and at Penang pays a visit to the ss. "Tosha Maru," and discusses a garbled version of tha Budge Budge incident. The idea was mooted of pillaging Penang; and accused is one of the party deputed to ascertain the shops of dealers in arms. He is also one of the deputation to the Governor. On arrival in India, he attends the Ladowal Meeting, and is detailed to loot the Jagraon or Moga Treasury, and meet witness at Moga on the 19th. He, like the witness and Kanshi Ram (who was hanged

for the Ferozshahr occurrence), is one of the leaders of the Malwa party, and undertakes to produce some 40 men, and says that his party has 5 pistols (one out of repair). He attends the Moga meeting of the 19th, and is sent with Kartar Singh, accused, to see if an attack on Lahore Cantonment Magazine is feasible, with instructions to discuss this with accused Bhai Parmanand. It is arranged to meet at Badowal on the 23rd November, and on that date he meets the witness at Badowal Railway Station, and the Badowal- Mullaupur meeting takes place, with a discussion about attacking Lahore Cantonment on the 25th or 26th November- the accused being given Rs 200 by accused Kartar Singh for expenses. After the Ferozshahr occurrence, he sends the witness a message to clear out of Halwara; and the witness subsequently learns from Kartar Singh that accused has gone to Delhi for arms, and is expected back by December 5th. Later, Kartar Singh tells the witness of his having given this accused a revolver. At the conversation (discussed elsewhere) between this witness and accused Nand Singh, on February 18th, Nand Singh tells the witness of accused's sending him some 2 maunds of bomb-powder, and of his going to Pindi to seduce troops (compare the statements of approvers Amar Singh and Mula Singh on this last point). The little cross -examination there was of this witness will be found at page148—witness corroborates that accused knows Gurmukhi, and admits that accused was not with him in any dacoity.

P.W. 198 Ichhar Singh calls accused "President of the American Committee," and "the connecting link of all parties." He states that he supplied accused with 4 bags for bomb materials ; and, a few days later, the accused brings bomb material, which is concealed in the witness's Gurdwara and house. He gives the witness a copy of the "Gunj", and sends Dalip Singh (the deceased approver) to the witness with bomb material. On about January 5th the witness learns from the absconding Gandha Singh that accused has taken the proceeds of the Rabhon dacoity to Amritsar (compare approver Mula Singh on this point). The witness adds that he, this accused and Gandha Singh, *discussed the advisability of killing "traitors" like the Hon'ble Messrs. Gajjan Singh Sardar Sunder Singh Majithia, S. Arur Singh of the Golden Temple, and the Editor of the "Khalsa Samachar."*

Approver Sucha Singh, who after some study, identified accused in Court, states that accused once made over to him 15 seers of a certain chemical in a gunny-bag, to be taken to Jhabewal to the men there with

a message that every thing would be ready by February 1st. In cross-examination the witness stated that he last saw accused just before the Mansuran dacoity, which accused did not discuss.

Approver Umrao Singh first meets accused and approver Mula Singh about the middle of 1913, and parts from them at Seattle. In August 1914 he meets accused at Fowler, and says that accused was present at the Fresno meeting on the 9th or 16th August 1914. He says that accused was appointed a leader at San Francisco on August 20th; that he met him at Stockton "ready to sail on the 29th"; and at the "Ghadr Press" on August 28th, 1914. He next meets accused at Shanghai on the ss. "Mashima Maru", and corroborates that Mula Singh gave accused 6 pistols and cartridges, which (the witness says) accused distributed before reaching Hong Kong to accused Rur Singh and others, two being thrown overboard. At Penang, accused makes a seditious speech. At Madras, *accused goes off to the "Hazur Sahib"* shrine for the purpose (so the witness understood) of getting arms from "some State." On the 9th and 16th November witness meets the accused at Ludhiana, and accused says that patience must be exercised till after the Badowal meeting, and returns with the witness to Jhabewal. At that place, about December 20th, accused gives Dr. Mathra Singh and the deceased approver Dalip Singh certain amounts for the purchase of chemicals, and leaves in company with accused Pingley. Before leaving he sends the witness to fetch a bottle of acid from Bela Ram's shop in Ludhiana. On the 16th January, he returns to Jhabewal, and leaves with the absconding Bir Singh for Ludhiana on hearing of a projected dacoity on the deceased approver Dalip Singh's own mother-in- law. He gives the witness Rs. 2, where with to purchase an iron pestle and mortar. We have two pestles and mortars in this case as exhibits; one of which, exhibt P. 255, was recovered from the house of this approver at Jhabewal (vide P.W. 243, a Zaildar, as to this recovery). The ground given to us for not cross-examining this witness was that his statement was inadmissible in evidence; this point has been elsewhere discussed in this judgment.

From P.W. 16 (Deputy Superintendent of Police) we learn that approver Mula Singh in his statement recorded on 12th to14th March mentioned having met accused in Shanghai; and that accused had paid a visit to Kapurthala along with accused Kartar Singh.

P.W. 72, the Police spy, who identified accused in court by name, corroborates approver Amar Singh re the 14th February, and says that

he was told of the rising fixed for the 21st, and himself proposed the looting of Lopoke Thana. Accused told the witness of bombs and revolvers with the Dadher and Marhana men. The witness also speaks of its being decided on February 15th at Lahore House No. 1 that accused and Dr. Mathra Singh should go with copies of the "Ghadr Sandesa" to Jhelum, Pindi and the Frontier to prepare for local rising on the 21st. *It was meeting this witness (who asked too many questions) on the Lahore Platform that caused the alteration of the date to the 19th.*

P.W. 99 (Thakur Singh) says accused and accused Jagat Singh discussed revolution and dacoities at the Virpali dharmsala vide Mula Singh, approver).

P.W. 172 states that he returned from America to Colombo with this accused; who himself "chartered the ship", and had revolutionists on board who were "going to India to win a victory." The witness understood from Jwala Singh, approver, that the visit to the "Hazur Sahib" shrine was really for the purpose of getting arms. The witness states that he and others paid their passage-money to accused, whom he had known for years, and that accused supplied the passage-money of other passengers (presumably, out of the 500 dollars); and gave 2 or 3 leetures on board. Out of the 70 passengers, "some 20 or 30" were of accused's way of thinking. The witness asserts that he told a Thanadar of dacoities projected by approver Mula Singh, and that his statement was recorded. In cross-examination also, the witness admits that he was accused of the murder of one Wir Singh; but denies that any of the accused persons about whom he has testified gave evidence against him, and the Defence have produced no proof of this.

P.W. 202 (constable Phuman Singh), 203 (a chaukidar) and 204 (a constable) give evidence as to the arrest of this accused on April 29th along with accused Rur Singh; when this accused grievously injured Phuman Singh with the dagger, exhibit P. 231. P.W. 329 (Assistant Surgeon, Jagraon) gives evidence as to Phuman Singh's injuries.

P.Ws. 230 and 231 are two students. The former identified accused in court as "the old man who got into a train with Sham Lal (i. e. Pingle)" when the witness was given a ticket for Meerut on the night of the 18th of "some month" (apparently February). The latter witness states that he once saw accused at Sucha Singh's dwelling when accused Kartar Singh was present; and learnt accused's name from Sucha Singh.

P.W. 251 (of Jhabewal) speaks of accused Parmanand II and a

"Doctor" coming wanting to meet accused at Lohat Badi. P.W. 267 (brother-in-law of the dead approver Dalip Singh) speaks of accused's coming with accused Dewa Singh to get singers for a feast at Jhabewal. He admits that he learnt accused's name at the Thana P.W. 268 (Udham Singh of Hans- the returned emigrant from Italy) states that accused brought a sack said to contain bomb materials; and that accused Uttam Singh (an absconding Rabhon dacoit) handed over Rs. 1,000 to the accused.

P.W. 370 (of Badowal) pointed out accused (who is a man of striking appearance) in court as a man who drank milk at his shop with approver Nawab Khan.

It is quite clear from the above recital that besides the evidence of approvers, there are apparently independent witnesses to corroborate different points in the approvers' stories.

The accused's lengthy statement commences at page 447. The denies all connection with American Ghadr party, and says he knows nothing of a meeting at Fresno. He stayed at Stockton on his way to join the ss. "Korea;" and disembarked at Nagasaki simply *because his Chinese wife and son are at Shanghai, where he had lived for 32 years*. He denies having chartered the ss. "Mashima Maru", and asks how he could have managed to collect sufficient funds? (According to the evidence, we know the different sources). He admits (in answer to the very next question) that at Shanghai he was given "Rs. 500 by a Police Jamadar, who was on the Gurdwara committee, out of funds collected for the "Komogata Maru" passengers, in order that he might convey to India some poor and disreputable persons who were not wanted in Shangai". He admits that Dhyan Singh (killed in the Ferozshahr occurrence), accused Jowala Singh and the absconder Gandha Singh were his fellow- passengers. He denies visiting the Governor of Penang. He merely visited the "Hazur Sahib" shrine, because it is well known. He admits paying the passage money of approver Jwala Singh "and other poor and disreputable persons." He reached Ludhiana on November 7th, where he entered his name in a book brought by a Police Havldar. He admits going with approver Amar Singh to Phagwara on November 23rd, but met no one there, and the discussion only concerned the starting of a newspaper to air grievances. He and Amar Singh also attended at Badowal (where the question of raising finds by means of dacoities was discussed); accused, however, said he would subscribe towards the newspaper, but would have nothing to do with dacoities. He only once met Kanshi Ram (the Ferozeshahr murderer) at

Badowal. He went to Delhi about the beginning of December 1914 (vide approver Nawab Khan), but only to visit a friend, the Chief Inspector of Tramways, with whom he had had monetary dealings and met his friend's friend, a Brahman Thanadar. He went to Jhabewal about the middle of November to get his suit-case, which he had left with approver Umrao Singh in Madras, and, while there, wrote his name in a serai register. He never went to Kapurthala. He did spend one night at Lohat Badi with the witness Ichhar Singh, in a Gurdwara, but knows nothing about any gunny-bags. He admits attending a meeting (about the newspaper) on the 25th December, 1914 at the Virpali Dharamsala, at which Mula Singh and accused Jagat Singh were present, but declined to have anything to do with dacoities. He did meet accused Pingle, Kartar Singh and others at Ludhiana, but did not accompany them to Sucha Singh, approver. He does not know accused Rash Behari Bose, and denies the other allegations against him. He admits his arrest at Kamalpuria on April 29th, but asserts that he was not trying to rescue accused Rur Singh- he had the daggers in his pocket and suggests that, during the struggle, it somehow or other injured the constable, Phuman Singh. Between the 18th February (the day before the raid on House No. 1) and the day of his arrest he was at Anandpur and Hardwar. At the conclusion of his statement he added that during his 32 years in Shanghai, he assisted many poor men to return to India. He went to Seattle by the same boat as approver Mula Singh, who was quarantined with many others. Accused and Nawab Khan and another collected funds to bring a case about the men who were quarantined, and 100 dollars in gold were made over to approver Nawab Khan who absconded with the money. Asked why he did not cross-examine Nawab Khan on this allegation, the accused gave the absurd answer that "his mouth was paining at the time". He asserted that approver Mula Singh knew about the matter, but "what was the use of cross-examining an informer?" On his return from Delhi, he says, he found that his house had been searched and feared arrest. On November 27th, he went to get Rs. 350 from "a Brahman" of Mega ki Mari, and was paid Rs 10 by the Brahman's brother, who entered this in a book. This Brahman belongs to Lahore, and accused went to him on December the 10th, to get his money. Accused winds up by saying that he was not travelling along with accused Rur Singh at the times of his arrest, but chanced to meet him at a well. This story carries no conviction to our minds, and it is apparent how far it goes to support many of the allegations of the Prosecution witnesses.

He produced four witnesses for his defence and gave up the remainder. D.W. 86 (Chief Inspector of Tramways, Delhi) tells us that when accused went to America, he left his accounts with the witness at Shanghai. Accused came to Delhi last November to get his papers, but the witness had left them at his village, and gave accused a ticket, he thinks, for Moga. Approver Mula Singh, he says, bore an "ordinary character" at Shanghai, and took part in a Police strike.

D.W. 87 (of the Ferozepore District), related to accused by marriage, says that accused sent Rs. 100 to him 4 years ago, and came to recover the amount- which the witness had not got.

D.W. 88, also of Ferozepore District, makes a similar statement re an amount of Rs. 50. D.W. 89 (who was not specifically cross-examined for accused when he appeared as P.W. 58) identifies the Mool Chand Serai Register, exhibit P. 127, in which entry No. 911, dated December 28th, shows "Nidham Singh of Chuga-unaccompanied-on his way home from Bangla Nanu. It is obvious that the above defence witnesses do not improve the position of this accused.

Accused's Counsel argued that accused was a "prominent social reformer who had helped Indians at Shanghai, and so would be known to all approvers". We bear in mind that accused was unable to produce any witnesses from outside India, but we have remarked on the absurd reasons given for not cross-examining Nawab Khan and Mula Singh; and, according to the evidence and accused's own admission, accused, leaving his family at Shanghai, employed himself in bringing back to India the sweepings of that port. The Defence Consel has pointed out that in the issue of the "Ghadr" newspaper of May 19th, 1914, there is a reference to an attempt on the part of the Granthi of the Shanghai Gurdwara to get the well-known sedition-monger Bhagwan Singh arrested; and he asks whether it is likely that the Granthi would have given accused moneys for, "Ghadr" purposes? But the Granthi may have against Bhagwan Singh and Counsel apparently forgets that his client stated that one of the Gurdwara Committee did give him money. According to Counsel, the "national work" alluded to by Mula Singh only meant the "amelioration of the lot of the poor." It is certainly correct that Mula Singh omitted to mention accused as present at the bomb experiment. We fail to see that it was any fault of the Prosecution that they were unable to supply witnesses in corroboration of Jwala Singh's story of the false-bottomed bucket; it would have been simple enough to produce tutored evidence in support. Counsel suggests approvers have

concocted their long and very detailed statement against him. He has, wisely, made no reference to his client's violent assault upon constable Phuman Singh with a dagger.

In our opinion, it has been very fully established that this accused is an extremely dangerous criminal, and one of the worst and most important of the conspirators.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 124 A, 131, 395/109 and 326 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

[Note: His key role in what came to be known as 'Mandi Conspiracy' was discovered much later; it has been elaborated in the Lahore Conspiracy Case (2nd Supplementary) and also in Mandi Conspiracy Case judgement: Reference: Volume III of the the series. — Editors]

(55) Nourang Singh, son of Chanda Singh, of Amritsar, darzi, aged about 50:—

This accused, who pleaded "not guilty" to the charges framed against him (p. 571), admittedly kept a tailor's shop in Amritsar.

He was identified on jail parade of April 18th by approvers Amar Singh and Mula Singh and the Police spy. In court by the same 3 witnesses and by P.Ws. 95 and 100.

Approver Amar Singh states that at Kapurthala he was given this accused's address by accused Kartar Singh for finding out approver Mula Singh's whereabouts. Accused's shop adjoins that of accused 20 Hardit Singh. Further, that accused Pingley, Nidhan Singh and he (the approver) met Mula Singh at accused's shop, and that Mula Singh rented the Baba Atal house close by. In cross-examination he stated accused never attended any conspirators' meetings.

Mula Singh states that about the end of November 1914 accused made a speech at Nanak Singh's *haveli re* a memorial to Government about the-stopping of the canal water-supply to the Golden Temple tank. Apparently, there was nothing objectionable about this speech; and the witness makes the important statement "we told this accused that we were from America, "but not our mission." On November 28th, 1914, this

approver and Balwant Singh, *sowar*, visit accused's shop, and he assists in getting a house for the approver's shop, and he assists in getting a house for the approver. The witness again asserts that "our revolutionary mission was not disclosed". He gives his father his address in Amritsar as "care of" this accused. Accused later on informs him that Balwant Singh has enlisted, and assists in the renting of *Mussammat* Atri's house in conjunction with accused Hardit Singh (p. 98) The witness again says — "Naurang Singh knew nothing of our mission." Accused opens the house of *Mussammat* Atri for Mula Singh with one of his own keys, and (according to this approver) among the persons whom the approver met at accused's shop were Kartar Singh, accused, and the absconding accused Rao. On 13th February 1915, the approver advances accused a sovereign for the making of national flags, after showing him a copy of the *Ghadr Sandesa*; and was himself arrested the same afternoon on leaving accused's shop.

P.W. 72, the Policy spy, states that Balwant Singh, *sowar*, referred him to accused in order to ascertain Mula Singh's whereabouts, telling him of the sign of a black turban and white turban (p. 184), whereby accused should be satisfied that he might give such information. On another occasion Balwant Singh was referred by accused to Madan Singh for information about Mula Singh. The witness mentions Amar Singh and Balwant Singh going once to accused's shop; and admits that he himself only visited the shop on one occasion.

P.W. 16 (the Deputy Superintendent of Police) states that the spy reported that accused was acting as a "Post Office for revolutionaries."

P.W. 96 speaks as to the search of accused's shop; when accused told his mother to hand over Rs. 15 (the amount of the sovereign given him by Mula Singh); this is corroborated by P.W. 195. P.W. 99 makes a rather vague mention *re* Mula Singh's address, identifies accused as "the *darzi*", and says that he once saw Mula Singh at accused's shop. P.W. 100 is the owner of the Baba Atal house, which he leased at accused's request to Mula Singh who put in a box and locked the house — Mula Singh afterwards pointing out the house to the Police. P.Ws. 113 and 124 (Zaildar Gurbakhsh Singh) speak as to 8 articles of clothing (belonging to Mula Singh and this accused) given by accused to the first of these a witnesses to be washed, and which were produced by him to the Police. P.W. 125 (*Mahant* of the Virpali *dharamsala*) says that he enquired from accused about Mula Singh's arrest. P.W. 195 (Inspector Amir Ali) states in cross-examination that he learnt of accused through the spy; that there was never any intention of

making him a Crown witness; and that accused admitted that the money had been given him for the making of flags. Further, that Mula Singh mentioned the *dhobi* (P.W. 113) and accused confirmed the information.

Accused in his statement (p. 374) denied even knowing Kartar Singh, accused. He admits that Mula Singh told him to give his address if a man came from his village enquiring, and that he mentioned the *Mussammat* Atri's house was available, and referred Mula Singh to Hardit Singh. He denies that Balwant Singh was with Mula Singh at the time. He admits having requested accused Madan Singh to take the letter to *Mussammat* Atri, to oblige Mula Singh, and says that Madan Singh brought back 2 keys which he (accused) made over to Mula Singh. He admits that the spy once came enquiring for Mula Singh, but denies referring him to Madan Singh. He denies the alleged visits of Rao, Kartar Singh and other conspirators to his shop. He admits giving up Rs. 15 to the Police; and asserts that Mula Singh gave him a sovereign for the making of clothes for himself and his sister-in-law — not for flags. He never made any admission to the Police about flags. As regards the Baba Atal house, he merely told Mula Singh it was vacant. He admits one visit from Balwant Singh, whom he told that Mula Singh had gone to Mian Mir to see him. He denies that Mula Singh ever showed him a copy of the *Ghadr Sandesa*, which he never read; and admits that that approver was arrested near his shop.

The defence witnesses are D.Ws. 60 to 70 inclusive. Most of them are as to the good character of accused, who has apparently written loyal articles in a *Darzi's* newspaper, sent a telegram of congratulations to His majesty the King Emperor and an address to His Honour the Lieutenant-Governor offering his services at the front (*v. Exhs.* D. 9 to 12 inclusive), D.W. 63 was produced to prove enmity on the part of the owner of the Baba Atal house (P.W. too), but that prosecution witness was not even cross-examined on the point. D.W. 67 has stated that "a tall man" gave accused a sovereign to make clothes for "himself and his wife".

Counsel for the Crown has himself admitted the accused's case is an 'arguable' case; and it is much on a par with that of accused Hardit Singh, whose shop adjoins that of this accused. There is no doubt that Mula Singh chose the premises of these two accused when in need of a 'house of call', and he used both accused for the doing of various odd jobs. This approver has denied several times over (and he denied in Hardit Singh's case also) that this accused had any criminal knowledge; and Amar Singh has said that accused never attended any meetings of conspirators. The defence

counsel has urged that no copy of the *Ghadr Sandesa* was found on Mula Singh, though he was arrested just after leaving accused's shop; and Mula Singh has stated (page 105) that, when accused questioned him about the flags, he told him that he was collecting the flags of all nations, and wanted another kind of add to his collection. The matter of the black and while turbans is certainly a noticeable point; but counsel for the defence has asked why, if that were really a sign, did accused not immediately afford information about Mula Singh? However, it is quite possible that Mula Singh may have instructed accused that he did not wish his address communicated indiscriminately, without telling accused anything about the conspiracy. It is quite possible that accused may have had some sort of suspicion about Mula Singh and his companions, but it is very unlikely that any old Indian *darzi* would refuse to make oblige to his customers, or would refuse a sovereign if offered one, or would decline a job of making flags or anything else.

In any case, we think, the accused could only be convicted of an offence under section 123, Indian Penal Code; but, in our opinion, on the evidence produced there is a doubt as to whether this accused had any criminal knowledge.

On consideration of the above evidence, we give this accused the benefit of the doubt; acquit him; and order that he be forthwith released from custody.

(56) Parma Nand, Bhai, son of Bhai Tara Chand Brahman, of Karyala, District Jhelum, aged 40.

Parma Nand Bhai

This accused, who pleaded "Not guilty" to the charges framed against him (page 621), *is one of the most important accused* in this case. He has stated (page 434) that he is the owner of a Medical Hall in Lahore; and that he reached India *from America in December 1913,* travelling by way of England.

He was identified on Jail parade of April 18th by approvers Amar Singh and Mula Singh, and by P.W. 72, the Police spy, who pointed him out at the second round, saying "he now has a beard". As regards this identification by Mula Singh, we have the

evidence of Mr. Scoit (Superintendent of Police, Lahore-P.W. 10) and Major Ward (Superintendent of Lahore Central Jail-P.W. 392). We are quite prepared to accept the statements of these two witnesses that the Jail identifications were carried out in the fairest possible manner that could be devised. Mr. Scott (pages 28 and 29) has given a full description of the method employed. Regarding the identification of the accused whose case we are now considering, Mr. Scott has stated as follows:– Mula Singh, approver, going down the line, went some distance past Bhai Parmanand, and stood looking back at men he had passed, and then came back and pointed out Bhai Parmanand. Major Ward was with me at the time, and the approver's action was purely voluntary (page 30). The witness Major Ward has stated as follows:– "I remember the identification of No. 56 (Bhai Parmanand) by Mula Singh. I was with Mula Singh at that time. He identified him on the second passing. He passed him first. He returned of his own accord and picked him out without prompting. I think he went down the whole line before returning, that is my impression. 56 began to talk about it. I spoke to 56, and told him at the time he must be aware every thing was fair and square and above board." Page 48 of the record shows the notes made at the time of identification on the 18th April; and we find this note recorded: "Bhai Parmanand here questioned witness when he had seen him". Mula Singh replied at your shop. In cross-examination before us, Mula Singh made the following statement (page 112):– "On the occasion of identification in Jail, I first saw all the men in the row, recognized some 8 or 10 men, but passed over Bhai Parmanand, but soon after I turned back and identified him. As a matter of fact, I had identified him in my mind from the very first, but I wanted to be certain." It is possible that the beard, which at first confused the spy, may have caused Mula Singh to be at first doubtful; but in justice to the accused, we have recited these facts at some length because the evidence against this accused largely consists of evidence admissible under section 10, Evidence Act.

In Court, this accused was identified by approvers Amar Singh and Mula Singh; by P.W. 72, the Police spy, who stated that he knew accused, but knew nothing about him in connection with the present case; by P.W. 88; by P.W. 87 (who only stated — "this appears to be the man"); and by approver Nawab Khan, who stated that he had seen him, but did not know his name. It is, of course, possible that accused's wearing a beard caused Nawab Khan to be doubtful, as it did in the case of the spy

at the Jail identification, but what is very noticeable is that approver Mula Singh has at page 112 said what he could in accused's favour; and that the police spy has obviously not been tutored to try and implicate this accused in any way.

Approver Amar Singh stated (page 61) that in May 1913, Har Dyal and accused (whom the witness knew before by name when he was in Lahore) came to St. John, where accused spent 2 days and a night, and then left for New York en route to London to study for 6 months in order to write a Book on Indian History. He further states that no lecture was delivered in St. john during the accused's stay there. Jagat Ram give him his address in India as "care of" this accused and that after his arrival at Lahore, he (the witness) along with accused Pirthi Singh went to accused whose place they found by his signboard (page 67), to ascertain Jagat Ram's whereabouts. The accused said he had not yet seen Jagat Ram, but promised that the witness should be informed of his arrival, Soon afterwards the witness again goes to accused, who tells him that accused Parmanand II is anxious to meet him, and will be found at the Arya Samaj Mandir, Anarkali, and there the witness finds him (Re this point, see P. Ws. 66 and 67). The witness goes on to say that, as he had to go with Parmanand II to Chaherta on November 6th, he deposited 7 gold dollars (in value Rs. 420), some of which belonged to accused Jagat Ram, with the present accused, which accused at first refused, and then agreed to take charge of. At page 68, the witness says that he learnt later from Jagat Ram that the gold deposited, with accused had been taken by Jagat Ram and made over to accused Kartar Singh, who had gone to meet Parmanand II at Benares, and procced thence to Calcutta to buy revolvers. On the same page the witness states that he met Kartar Singh at the Hindu Hotel, Lahore, who told him that he had failed to meet Parmanand II at Benares, and that revolvers were not obtainable in Calcutta, and that Jagat Ram had gone to Peshawar to procure arms. Later, the witness read of Jagat Ram's arrest at Peshawar. The cross-examination of this witness appears at pages 82, 83 and 84; and he stated that this accused was in possession of a ticket for New York when he came with Har Dyal; that he never had any correspondence with him; that he never saw him in any of the hired houses in Lahore or Amritsar; that no correspondence with accused took place while the witness was on the staff of the "Ghadr" Press; but that accused did not say he was going to get some machine connected with medicine when he set out for England.

Approver Mula Singh states (page 95) that Kanshi Ram (who was hanged in connection with the Ferozshahr occurrence) told him at Shanghai to enquire for him at accused's Lahore medical shop; so the witness goes there early in December, and has a talk with accused lasting for about a quarter of an hour. The witness asks him for the addresses of Kanshi Ram and Kartar Singh; and the accused says he has seen them both, but asks the witness to leave the shop quickly. He tells the witness of Jagat Ram's arrest in Peshawar, and of the arrest of accused Sohan Singh, and says that Jagat Ram has given away his (accused's) name to the Police. In cross-examination (page 112) the witness says that accused told him that Kanshi Ram had gone to Ferozepore, leaving no address behind. *That "he cannot say whether Bhai Parmanand was in the confidence of our Party*. I did not mention our mission to him." and that the only other time he saw accused was at the Jail identification Parade. The witness, however, states that, towards the end of December, at a conspirators meeting at the Virpali dharamsala in Amritsar, accused Kartar Singh remarked that this accused was the only man who could help with funds, but that he had already subscribed Rs. 400 or Rs. 500 The witness has stated that no reference was made to this accused at Rash Behari's house on February 12th, when the 21st was fixed for a rising. In short it does not appear to us that this approver(any more than approver Amar Singh) has tried to exaggerate in order to get accused convicted.

Approver Nawab Khan (page122) states that he attended Har Dyal's lecture at San Francisco in December 1912 on the "Non Existence of God", and, after the lecture, he was taken to be introduced to Har Dyal, whom he found talking to this accused, Bhai Parmanand. He only saw him once, clean-shaven and wearing European clothes. At the top of page 123 we find this approver stating that he received a postcard from one *Thakar Das*, telling him that within two or three days Har Dyal and this accused would arrive in Portland, and would probably visit Astoria; however, after their arrival in Portland, Thakar Das again wrote to the witness to say that accused was about to return to India; and that Har Dyal would visit Astoria (where the witness was) alone. At the Astoria meeting in May 1913, *Har Dyal tells the audience that part of the funds collected at St. John, Bridal Veil and Portland have been given to this accused in order that he may return to India by way of England, and carry on in India the work he had been doing in America.* At the Ladowal meeting of November 17th (page 134) accused Pirthi Singh tells the

witness that this accused has undertaken to do the Press work; and at Moga, on November 19th, accused Kartar Singh tells the witness that he learnt from accused that arrangements had been made for obtaining arms from Lahore cantonment (vide page 135). Nidhan Singh and Kanshi Ram discuss the plan with accused. On the same page we find the witness stating that *accused Kartar Singh said he had been sent by this accused to Kishen Singh (brother of the well known seditionist Ajit Singh) who had given Rs. 1,000 "for our work"*, and that out of that amount the accused had given Rs. 500 for arms to accused Jagat Ram. Directly after making this statement, the witness corrected himself and said that Rs. 500 given by accused to Jagat Ram were given on another occasion, and that the Rs. 500 he was speaking of at the time had been given by accused "for the Doaba group." On this point, in cross -examination (page 144), the witness still held to this assertion that accused had given Jagat Ram Rs. 500 for the purchase of arms; but he stated that he learnt this from Kartar Singh on December 14th; and that he did not know whether Kartar Singh had been speaking the truth or not. He did not ask Kartar Singh when accused had given Rs. 500 to Jagat Ram for the exprenses of the Doaba group; and at Badowal Kartar Singh said nothing about having been to Kishen Singh at accused's request. The witness, apparently, did not question Kartar Singh much, and states "one of our rules was that we were not to question each other." In our opinion, this approver clearly means to assert that he learnt that on two occasions Rs. 500 were made over by this accused to accused Jagat Ram; once "for the Doaba group expenses," and once "for the purchase of arms"; but he is confused in his mind as to the dates, and he had, of course, no personal knowledge. The importance of this statement will appear when we come to the evidence re certain currency notes found on Jagat Ram at the time of his arrest. This approver's story continues as follows:– At Badowal, Kanshi Ram (hanged in connection with the Ferozeshahr occurrence) says that he has talked over the plan of attack on Lahore Cantonment with accused. At Ludhiana, at the beginning of December, *Kartar Singh explains the "aimless wanderings" to which some persons had been subjected by saying that accused, whose orders he had been directed by the "Yugantar Ashram" to obey, was always issuing contrary instructions*. On page 138 we find that Amar Singh, approver, told the witness that accused wished to handle the Press work himself, and would disseminate seditious literature "after the looting had commenced." According to the witness, it was on

December 14th, on the way from Jandiala to Lahore, that Kartar Singh told him about being sent to Kishen Singh, and about the giving of money to Jagat Ram for purchase of arms; and at the same time the witness was told by Kartar Singh that accused had once given him a revolver and he had once sent him with Rs 2000 to get arms from a Bengali at Calcutta; which he failed to get, and so returned the money to accused giving him the information that the Bengal and Kapurthala revolutionary Parties were in touch with one another. The witness was urged by Kartar Singh to visit accused and get maps of the Punjab and wire-cutting implements; and he also states that accused, Nand Singh, in his conversation on February 18th, told him that Rs. 10,000, the proceeds of dacoities, had been sent to accused. In cross examination (page 144) the witness has stated that he was unware, until Nand Singh told him, that money had been kept with accused. Now it is quite possible that Nand Singh was speaking somewhat at random or with imperfect knowledge; but we fail to see why it should have entered Nawab Khan's head to invent such a statement. He has also stated in cross-examination that he did not ask Pirthi Singh when accused had said that he would personally look after the Press work; and that Pirthi Singh gave him no details; but that he gathered from Pirthi Singh and Amar Singh that accused was kept informed of the doings of the revolutionary party.

An important point to be noticed about the statement of this approver is that he has frankly admitted that he only saw accused once —namely, at that meeting of Har Dyal's. Had there been any desire to concoct a false story, we should have expected to find this approver speaking of at least one meeting with this accused in India.

P.W. 17 (Inspector Ahmad Khan) states that accused was arrested on February 25th, and was kept in the Naulakha Thana, Lahore

P.W. 211 (Mr. Chapman, Stationmaster, Peshawar Cantonment station) and P.W. 212 (an Inspector, Criminal Investigation Department, Peshawar) give evidence regarding the arrest of accused Jagat Ram at the Railway Station on the night of November 23rd, 1914. The accused Jagat Ram gave a false name; and upon his person were found, amongst other things including currency notes, the 2 currency notes of Rs. 100 each which are exhibits P. 149 A. & B.

P.Ws. 84 to 88 inclusive are concerned with the question of these notes, and the changing of certain money. P.W. 84 is a clerk in the "National Bank of India," Lahore, who produced 2 certified extracts

from Bank-books, and a certificate that one particular note could not be traced, and gave evidence that certain currency notes were received from the "Punjab National Bank"- (vide exhibits P. 148 A.C. and P. 149 A. B, 2 notes of Rs. 100 each, bearing the seals of the "National Bank of India.")

P.W. 85 (Kirpa Ram, clerk of the widow of the late Rai Bahadur Lal Chand) states that at the beginning of November 1914, he got some 46 notes of Rs. 100 each from the "National Bank of India", and 5 of them (he cannot give the numbers) he changed with the witness Sukh Ram Das for sovereigns. P.W. 86 is this Sukh Ram Das, who remembers P.W. 85 bringing 5 notes, which the witness changed with P.W. 87 (Ram Chand, goldsmith) for sovereigns and "one large gold mohur" (really, an American gold dollar). The transaction was entered in the witness's roznamaha, which he produced in Court.

P.W. 87 (Ram Chand) states that about six months prior to the date of his deposition before us the witness Raja Ram (P.W. 88) came to change 40 sovereigus and "a large gold mohur", along with "a Babu wearing a topi". The witness afterwards identified the "Babu" at Naulakhan Thana, and in Court he pointed out accused Bhai Parmanand, saying, "this appears to be the man." He states that he paid currency notes in exchange, which he had received from P.W. 86. He could suggest no reason, naturally why the "Babu" came with Raja Ram; and stated that the latter did not say to whom the gold mohur belonged. He admitted that this accused (whom he did not know before) was alone at the Havilat when he identified him there.

P.W. 88 (Raja Ram) who admits that he has known accused for over 10 years, and that he stood security for accused in 1910, and whose statement is most certainly biased, corroborates re the exchanging of the 40 sovereigns and "gold mohur"; but has tried to make out that accused did not accompany him; and that he accompanied accused's servant who effected the exchange. He states that the servant was a Sikh wearing a pagri named Hukm Singh; but this Hukm Singh has not been produced by the Defence and we entirely fail to see why P.W. Ram Chand should be lying.

P.W. 89 (S. Sukha Singh District Superintendent of Police, C.I.D.) gives evidence in respect of the "Tarikh-i-Hind," which has been fully discussed elsewhere in this judgment. The exhibit (with translation by P.W. 398), is P. 303 A.B. The witness states that the book was ordered

to be confiscated, but that he found no copies of it at accused's house on February 20th, and that accused said that some might be with printer Pindi Das. The report of sales of the book according to the register its exhibit P. 154, and the edition consisted of 1,000 copies, of which only 28 were recovered from Pindi Das, whose upper and lower storeys were also searched on February 20th (vide search- lists, exhibits D.2 and 3). Accused was called to the Thana between February 21st and 23rd, and was arrested on the 25th for 'conspiracy to murder and dacoity." The witness admits that no large item was found credited in accused's account -books (this question was asked in cross-examination with intent to show that accused was not acting as a Bank for the conspirators' funds); but denies that accused ever stated that Pindi Das, in publishing the book, was taking all risks. The witness states that he, personally, was not in the enquiry re this conspiracy case, but was on duty re returned emigrants from about November 12th, 1914. The first the witness knew of the servant Hukm Singh was when examining accused's account-books, which showed payment of salary to Hukm Singh in August and September, and for (perhaps) one month after January 1915; but no trace of Hukm Singh is forthcoming to this day. The witness admits that P.W. Raja Ram did mention Hukm Singh in his statement to the Police. This witness tells us also in detail how the 2 currency notes found on Jagat Ram were traced back to this accused; and in cross- examination, says that the enquiry re the notes started on February 27th (2 days after accused's arrest), and that accused, being under arrest, declined to say anything with regard to them.

P.W. 393 (Nawab Din, Court Inspector, Ambala), the relevancy and admissibility of whose evidence has been elsewhere discussed, tells us that *in 1909 he received orders to search the house of Kishan Singh, brother of the seditionist Ajit Singh, who with the well-known seditionist Amba Parshed lived in the "Bharat Mata" buildings. On November 5th, 1909. he went to the house and was told that accused Bhai Parmanand was the lessee, though the lease showed Kishan Singh as lessee.* On November 6th, 1909, accused's box and desk were searched in his presence, and the Bomb Manual (produced to us in Court) was found in the box. Also, a document called "Taqsim-i-Hindustan and a letter from one "lshar Das" re collecting funds for Har Dyal. Some pages in a copybook also showed that accused was writing about the Mutiny of 1857. Some of the documents included in exhibit P.301 (which has the

record of the proceeding against this accused under section 110, Criminal Procedure Code, attached) have been discussed elsewhere in this judgement. At the request of accused's Counsel cross-examination of this witness was reserved till next day; but counsel then did not wish to cross-examine him.

Accused's statement commences at page 434 of the record. He, of course, admits the proceedings against him in 1909, but says that the "Bomb Manual" was found in a box without a lock; that he "does not think" the "Taqsim-i-Hindustan" was found; that some of the documents forming part of exhibit P. 301 were found in his box or desk; but that others were simply produced as exhibits by the police in the proceedings under section 110, Criminal Procedure Code. Eight months after he was put on security he proceeded to America, and Har Dyal came to California some months after he got there; *but he never became Har Dyal's associate; nor even knew the revolutionists Bhagwan Singh and Barkat Ullah.* However, he admittedly accompanied Har Dyal in May 1913 to St. John and Portland (the one being a suburb of the other). *He never recevied any money from Har Dyal to go to England, but proceeded there from St. John, and reached India in December 1913. He returned, because his family were in India.* Soon after his return, he handed over his rough notes for a history of India to Pindi Das at Pindi Das's request; and Pindi Das, on his own responsibility, the "Tarikh-i-Hind", which book the accused never even read after it was compiled and published. He "may have seen accused Jagat Ram once only," he thinks, in Berkeley; and *suggests that, as his medical business was advertised in local papers which reached America, Jagat Ram may have selected his address as a house of call in Lahore.* He only once saw Kanshi Ram in St. John, when he (accused) went there with Har Dyal — and suggests the same reason for Kanshi Ram's having selected his shop as a house of call. He admits that at the beginning of November 1914, Amar Singh, approver, did come asking for the address of Jagat Ram, which he told him he did not know. On another occasion he did give Amar Singh the address of Parmanand II. He admittedly received the 7 gold dollars from Amar Singh, not for deposit, but to be changed; and some 4 or 5 of them did belong (accused thinks) to Jagat Ram. Regarding this money, accused states that it was his servant who went with P.W. Raja Ram to effect the exchange, and admits that some few days later Jagat Ram came to get the money. He was unaware that Jagat Ram was going to Peshawar. *He*

never even met accused Kartar Singh; does not remember Mula Singh's asking him for the addresses of Kanshi Ram and Kartar Singh; and did not even know Mula Singh by sight. He does not even know accused Pirthi Singh. He refers to his identification by Mula Singh on Jail parade, and suggests that some kind of hint was given to that approver. This is a point we have discussed earlier. At the conclusion of his statement, he tells us of his early acquaintance with Har Dayal, and how "Ishar Das's" letter came to be written. He never made any other efforts to get funds for Har Dyal. After the proceedings under section 110, Criminal Procedure code, were concluded and his services as a Professor at the D.A.V. Collage had been dispensed with, he spent 8 months in his village, and them went to America intending to learn the manufacture of medicines. In September 1911, after varied experiences, he came to California, and started a two years' course of Pharmacy at a College. Some months later, Har Dyal was appointed a Professor at a University 50 miles from San Fraucisco, where accused then was living. Some 3 months later Har Dyal came to live in Berkeley, and started lectures on socialism and free thought, which accused did not attend. Har Dyal learnt of accused's intention to return to India, and invited the accused to accompany him to St. John, which accused agreed to do; and, on the journey. Har Dyal tried to dissuade him from returning to India. *Accused states that he went to England to see manufacturers of drugs and buy machinery; not to write any book.* He got what he wanted, and returned to India. He states that, from December 14th, 1914, his correspondence began to be censored; and says that he gave to Pindi Das in January or February 1914 his copy-books of *rough notes composed before the search in 1909 and in London during 1913.*

Accursed's association with the Arch conspirator Har Dyal is apparent even from his own statement; and Pindi Das has not been produced.

The accused produced five-defence witnesses; of whom D.W. 208 (a Superintendent in the office of the Postmaster -General) pleaded privilege in respect of certain confidential files relating to the interception of correspondence. The other defence witnesses are D.Ws. 206 to 209 inclusive and 222. The last of these witnesses is a Professor of the D.A.V. College; and he states that he gave evidence for the accused in the 1909 proceedings. He says that accused had been living at the house which was searched prior to the summer vacation in 1909; and that, on his return after the vacation,

accused took a sub lease of the house from Kishan Singh. Kishan Singh left some of his things in the house, mainly on the ground floor. The witness states that Kishan Singh and Amba Parshad never lived with accused, but can say that he is "not very certain whether the major portion of the house was in accused's occupation." D.W. 206 (who, as D.W. 84, also appeared as a witness for accused Kidar Nath) states that he and the missing Pindi Das were partners in 1912, 1913 and 1914,in the book selling part to the business only. In February 1914 Pindi Dass got 2 or 3 small school copy-books from accused, in which there were only rough notes. He identifies the letter exibit D18 as being in Pindi Das's handwriting and says that some time after March 1914 Pindi Das sold his press to the "Zamidar" newspaper. The "Tarikh-i-Hind" was set up in type, he says, after he left the partnership, and was boomed by Pindi Das in the "Desh" newspaper. He admits that accused Bhai Parmanand never contradicted the announcements that he was the author of the book. D.W. 207 (a Pleader of Ferozepore) is Secretary of the local "Hindu Sabha"; and was Secretary of the Hindu Conference held at Ferozepore in 1914. He produced a copy (exhibt D.19) of Resolution No. 6, of December 1914, regarding the writing of a history of the "Hindu Period", which the "Sabha" had under consideration for 6 years. The programme included a history for school-children, and also a more advanced one. Various well-known persons (whom the witness named) including this accused, were invited to read papers. *The accused, however, did not attend the conference, nor consent to read a paper; but he sent a copy of a History of India, and that copy this witness has identified as the very exhibit P. 303, "Tarikh-i-Hind" which he made over to the Deputy Commissioner of Ferozepore when he learnt from a newspaper that the book had been proscribed.* Now, this witness's statement is most important; and how can we possibly believe accused's assertion that he "never read the book after it was compiled and published?"

We would here take the opportunity of saying that there is not the slightest ground for supposing that the "Tarikh-i Hind was written at the suggestion of, or with the approval of, the "Hindu Sabha". All that appears is that the accused, of his own motion, sent the copy (exhibit P. 303) of a book, which he now asserts he had never even read, but the authorship of which he had never contradicted when announcements and reviews appeared in newspapers, to the conference; and that the Secretary, very properly, handed over the copy to the Deputy Commissioner as soon as he learnt that the book had been proscribed.

D.W. 209 (a pleader of Delhi) is a brother of Har Dyal. He states that Har Dyal last left the Punjab in 1908, that he had lung-trouble in London and was treated in France; that he then went to San Francisco - since when the witness has not heard from him. The witness, since 1908, has sent his brother money totalling Rs. 600. The Defence have also produced exhibits D.23A. to D, seven censored letters, D.21, accused's Diploma of Pharmacy of California University, and D 22, accused's drug account with a London firm. We are, of course quite ready to accept these as genuine.

We have heard very lengthy arguments of counsel regarding this accused and we are quite ready to accept the argument of Counsel for the Defence that Government and the Police looked upon his client as a dangerous man, because he was once in possession of a Bomb Manual there was surely good reason for such a view. We quite agree that the evidence against the accused in the present case largely consists of evidence admissible under section 10; but, as the Government Advocate has pointed out, *one of accused's overt acts in furtherance of this conspiracy was the "Tarikh-i-Hind".* Take into consideration the time when it appeared, and the tone of it as compared with tone of Savarkar's History of the Mutiny as reproduced in the columns of the "Ghadr" newspaper. We say that in the present case there is a deal more than "a strong moral conviction" of the guilt of this accused. It is possibly true, as Amar Singh (who apparently has no reason for speaking falsely) has stated, that during accused's stay at St John no lecture was delivered; but if, as accused says, he had "nothing in common in Har Dyal", why did he accompany Har Dyal to that place? We, of course, agree that when accused went there, he was already about to return to India; but is to be supposed that Har Dyal never told him anything about the "Ghadr" scheme? Amar Singh, no doubt, has said that no correspondence took place between accused and the "Ghadr" Press; but, even if he be not trying to minimize the case against this accused, we find the accused, naturally, was cautious, and did not even want Mula Singh hanging about too long at his shop. It is urged that accused, being an M.A., did not have conspired with "ordinary conspirators"; but on the other hand, look at the list of his acquaintances - Har Dyal, James of "Calra" fame, Ajit Singh's brother, and other sedition-mongers and read the correspondence on exhibit P. 30. In 1909 we find him in possession of a Bomb Manual (there is no suggestion whatever that he was the author of it) and other seditious

documents; on his own admission he at least associated to some extent in America with Har Dyal; and on his return, he is (as we believe) responsible for "Tarikh-i-Hind". And we have the evidence showing that 2 currency notes founds on Jagat Ram were traced back to him; and all the conspirators; and neither the servant Hukm Singh, nor Pindi Das, has been produced It is true had to be very cautious; and had there been a desire to concoct a false case, why do we not find some approver making out that accused attended some important meeting? We have the evidence that accused approved of and discussed the attack on Lahore Cantonment Magazine for the 25th November. Why does Nawab Khan say that he only once saw this accused at Har Dyal's meeting at San Francisco? Counsel has asked why accused should have been asked for the address of Kartar Singh, who had not given his address as "care of" accused; but, surely, there would be nothing extraordinary about a conspirator asking for information about 2 or 3 or any number of co-conspirators whom he might wish to meet, in the hope of learning something about them? Approver Mula Singh has certainly said what he could in accused's favour -namely, "I do not know whether he was in our confidence, or not". We are told by counsel that the Police were most anxious to implicate this accused somehow; but the Police Spy, Kirpal Singh, distinctly says- "I know nothing about him in connection with this case ". It is pointed out that accused never got as far as starting any Press in India; and it is urged that, knowing the power of Government, he could never have favoured any attack on Lahore Cantonment; but the columns of the "Ghadr" newspaper, which was edited by educated men, are full of such suggestions. Reference has, of course, been made to Nawab Khan's confusion as to the matter of the Rs. 500, this we have already noticed. It is urged that no maps nor wire cutting instruments were found in accused's house; but Nawab Khan never stated that he went to get them; and Kartar Singh never told him that accused kept a supply of such articles. We cannot see force in the argument that, though accused may have once had a Bomb Manual, "he never took any steps to publish it abroad." *Counsel has admitted that his client had "independent" ideas; but has asked whether this Court can draw the inference from the evidence before it that accused continued in the same "state of mind" from1909 onwards, and that he was connected with the present conspiracy? In our opinion, on the evidence before us, we can draw such an inference.* Admittedly, Nawab Khan's statement to the Police had been recored

prior to the arrest of this accused, and at the reguest of the Defence Counsel we have examined that statement to see whether Nawab Khan mentioned this accused to the Police. We find that he did at pages 4 and 8, for instance, of the printed statement.

It has been urged that, as the "Tarikh-i-Hind" has been proscribed and forfeited it can do no further harm; and that this is the first occasion on which a book has been confiscated prior to a prosecution; but what about any harm already done? So far as we have evidence, only 29 copies have been recovered out of an edition of 1,000 copies. Obviously, the suggestion that accused thought that he had made over all responsibility for the book to Pindi Das can carry no weight; and we have no proof of the suggestion of Counsel that "that object in writing the book was that the others reading it should collect materials for a history." It is admitted that publication of book took place after the declaration of War with Germany (and this is shown by the concluding paragraph) ; but Counsel has urged that at the time when the "rough notes" were handed over to Pindi Das, there was no idea of the coming War ; and that Pindi Das had parted with his own Press and hence the delay in publishing. In another portion of the judgment we are discussing the point that the book has been largely compiled from the writings of other authors. We see but little force in the argument that the book was priced at Re.1 per copy; whereas the "Ghadr" was distributed free. As regards the Pindi Das letter, exhibit D. 18, Counsel for the Crown has pertinently asked how it came about that that letter was not found when accused's correspondence was removed at the time of the search in connection with the present case? The suggestion, of course, is that it was concocted for purpose of defence. He has also asked, what was the hurry about getting the memoranda (special messenger being sent to fetch them), and, why was the book published in November 1914 just at the time when a large number of malcontents were returning to India?

A discussion of the "Tarikh-i -Hind" itself will here be appropriate.

The author in the prefatory note regrets the loss by theft of the materials he had collected for writing a History of India from the Indian point of view. Friends pressed him nevertheless to write one. He set himself to the task; and had barely finished it when, in 1909, the police seized some of the manuscript note-books during the search of his house, and remaining ones got mislaid and could not be found. Some time after, he stayed in London for a while after his return from America, and wrote on the basis

of Cunningham, Duff, Hunter, Kaye, Malleson, and Todd the present "Tarikh-i-Hind" which he presents to the public. There is no date of publication on it; and although the accused thinks he gave the manuscript notes to Pindi Das perhaps in January or February 1914 (vide his statement in Court, P. 437), yet it is clear from the last few lines at the end of the book that it was published after the date of the declaration of the present war, namely, 4th August 1914. Either the accused's memory is playing him false, or he is making a deliberate mis-statement to save himself from responsibility of issuing a book after the war had begun. Whether Pindi Das brought it up to date, or the author wrote the concluding words, we must take it as a fact that it was published *after* the war; which is, in our estimation, a very material circumstance. The author's chronology of events has significance. In his concluding remarks the author says that, "while a Swaraj party was assuming formidable proportions in the Congress, Lord Curzon partitioned Bengal." This, according to him, was not of much consequence in itself; but the trampling on public opinion at a time when was so much excitement in the country created great discontent and consequent unrest, resulting in the Swadeshi movements which, though technically beyond the scope of the Congress, succeeded in attracting the Congress towards it. Fears of detriment to British trade were entertained; but the greater danger was lest that Swadeshi movement and Swraj movement should get so intertwined as to be blended into one. The swadeshi movement spread like wildfire all over the country, and people resorted to a boycott of foreign manufacture and thousands took solemn vows not to buy foreign goods.

Then followed turbulence in the Punjab in 1907. "The Punjabi" case; the riots at Rawalpindi; the agitation re assessments in the district of Lyallpur and on the Bari Doab Canal; deportations in the Punjab; anarchism in Bengal, Madras, Bombay and London; War between Turkey and Italy; the awakening of Muhammedans; agitation in British Colonies; transfer of the capital from Calcutta to Delhi; War between England and Germany, and its effects in India -all these (says the author), are present day events passing before our eyes and considering it inadvisable for us to write on these events at this time, we leave this task to others".

The above is a fair indication of author's full realization of the times in which he is issuing his History.

We have carefully read the passages culled by the prosecution as pieces of seditious literature as well as the whole of the pages in when

they occur, as desired by **Mr. Rughnath Sahai**. It is contended by him that there is not a fact in the book which is not borne out by eminent European historians like Kaye, Cunningham, Malleson, Hunter, Beccles Wilson, and James Mill. We have not deemed it necessary to verify the passages translated and placed before us by the Government Advocate by reference to the works of the above -mentioned authors, because that would have involved us in a controversy which would have, for our present purpose, proved fruitless. We shall assume, therefore, that the incident related by the accused are more less, or in the main, or even literally supported by certain European writers.

In order to be perfectly sure of the design, the aim, and the likely effect on Indian minds, we have gone through the whole book.

The account of the Vedic period is very brief. It covers 24 pages, and is chiefly based on the researches of European authors. The Buddhist period occupies the same numbers of pages; *the conclusion arrived at is that it sapped all valorous traits in the population, and that a new Hindusim tried to restore the old spirit.*

Then comes an account of the Muhammadan wave of conquest, and the conditions of Hindus in that period. This takes up 77 pages of the work.

One chapter is devoted to an account of the rise of the Mahratta power (3 pages being devoted to the early history of Mysore), and the struggle of the Mahrattas with the Mughal power.

The rise of the Sikhs, the struggle between the Mahrattas and the English and the conflict between Sikhs and the English have a chapter devoted to each. Then comes and account of the mutiny of 1857; its cause, why it failed, and how it was suppressed.

The last chapter is devoted to the Arya Samaj, Brahma Samaj, Theosophical society, the Afghan war, the Indian National Cingress, etc, etc.; concluding with the remarks already quoted.

No doubt, a historian enjoys certain privileges. Criticism, exposure and condemnation of what is wicked or unethical; approbation of what is noble and chivalrous; and vindication of the truth are some of the privileges universally conceded to him; *but he has no right, under the guise of a historical treatise, to malign, traduce, or calumniate anybody; much less, a ruling race, with the object of bringing the subject of his criticism into hatred and contempt, which, as a citizen owing allegiance to a Government, he has no right to assail.* He may point out the demerits of a Government, or of a race, or of an individual; but, if a historian

takes up only the dark side, and studiously avoids all mention of and does not even hint at any merit of the subject of his criticism, he is not a historian, but is a man who abuses his privileges, *and renders himself accountable to Government and the public*.

Now, there are times and times. In times of **peace** a dispassionate condemnation of a people or of persons, albeit they be rulers or Kings, cannot be impugned; but to rake up old things long burried and forgotten,except in books, and to impress upon the subjects of a Government that it is evil worth ridding themselves of is nothing short of sedition clothed in an ostensible historical treatise. Mutilations and distortions may be forgiven in a historian, few are free from this fault; bias may be excused as a human fraility; but perversion with sinister motive cannot be forgiven.

We are concerned with only so much of the work as deals with the rise of the English power in India and the mutiny of 1857.

The design of the work is to show that the Hindu population has always been intolerant of foreign domination. They have never reconciled themselves with it, except for a short period when some of the Moghal Emperors settle in the country. They were just beginning to view the Moghal Government as more or less indigenous, when Aurangzeb caused them to shake off the yoke again.

The idea to be conveyed to the reader with regard to the English is that their trading company, the old East India Company, resorted to a variety of tricks, dishonest intrigues and corrupt means, which enabled them to transform themselves from traders into rulers.

The most objectionable part is the account of the causes of the mutiny of 1857, and of its failure. According to the authors mutiny was not due to any folly on the part of the mutineers, nor to any misapprehension or misunderstanding, but was actually due to the high-handed measures of the administrators and to certain un-warrantable interferences with the rights of Natives States, and of Indians generally. We do not propose for obvious reasons to enter into them. When reading translations of Savarkar's history of the Mutiny as published by installments in the Ghadr, it struck us that the account of the Mutiny in the Tarikh-i-Hind is mainly based on Savarkar's work. By pointing out the cause of the failure of the mutiny, the author aims at warning his readers against future pitfalls. For instance, what effect would the following passage produce on a Punjabee's mind:–

"In this way the storm blew away in India" (speaking of the Mutiny).

The great cause of its failure was that these very Hindustani regiments conquered the Punjab seven years before for the English. To retaliate, the Punjabees conquered India for the English.

In other words Punjabees are told that it was purely a spirit of vendetta which actuated their ancestors to assist the English in the suppression of the mutiny.

A work which is exclusively a narrative of risings and their failures, which does not touch on any other subject, e.g, the habits, the manners of the people, the laws, the administration, the economic conditions, trade and the other thousand and one topics which it is the province of the historian to deal with, can have only one object, viz, to educate people to guard against future mistakes in connection with struggles against their rulers.

We hold, therefore, that the publication of such a work in the light of the events chronologically mentioned by the author himself, which we have quoted above, can have but only, one object, namely, to bring His Majesty's Government in India into hatred and contempt, thereby **rendering the author liable under section 124 A**.

We see no reason to doubt that this book was written in pursuance of the conspiracy with which we are concerned. Counsel has urged that the work was accused's "life -long work." and that he had three times tried to write the book. How this betters accused's position, we do not understand. Counsel urged that this client did not go to England only to write the book, but also to order drugs. He did order drugs while there, no doubt. Counsel concluded his arguments by saying that his client accepted responsibility for practically all the extracts on which the prosecution have laid stress, except the concluding portion; and indeed, we can scarcely believe that an ordinary person, such as Pindi Das would appear to be, would be called on to polish and add to the writings of an educated man like the accused, who is an M.A. and who was a College Professor.

Finally, we can only say that we have examined and considered all the available evidence with the utmost care ; and the only conclusion to which was can come is that this accused was not only one of the person concerned for the present conspiracy, but was one of the most important of the revolutionists.

On consideration of the above evidence, we were all three unanimous in convicting this accused of offences under section 121

(abetment of waging of war), 121 A and 124 A of the Indian Penal Code.

We, as a majority of the Commissioners, consider that the only appropriaste sentence is one of death. The accused is, accordingly, hereby sentenced to be hanged by the neck till he be dead; and it is further hereby ordered that such of his property as is liable to confiscation be forfeited to Government.

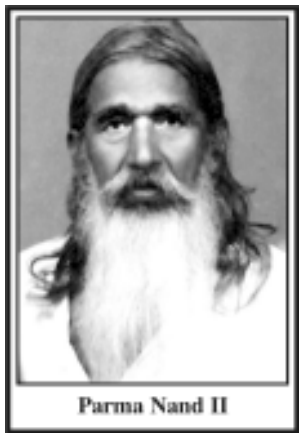
A.A. IRVINE, Major,
President, Commissioners.
T.P. ELLIS,
Special Commissioner.

I agree in the finding against the accused, but I do not think capital sentence is called for, in my opinion transportation for life will suffice.

SHEO NARAIN,
Special Commissioner.

[Deported to Andemans in Dec. 1915. Released on 22 April 1920. Kept aloof from the hunger-strikes of his fellow-Ghadrites and instead, kept on condemning them for their 'irresponsible conduct'. Became a staunch Arya Samajists a few years after his release. — Eds.]

(57) Parma Nand II, son of Gia Parshad, Kayasth, of Sukrada Kharka, District Hamirpur, United Provinces, aged probably about 28.


Parma Nand II

This accused, who pleaded, "Not Guilty" to the charges framed against him (page 573), is *one of the most important of the accused* before us. He, apparently, started for America, but says (page 380) that he was not allowed to go on there; and he admittedly joined the ss. "Korea" at Yokohama and reached Calcutta on October 29th, 1914, by the ss. "Tosha Maru".

He was identified on jail parade of April 18th by approvers Amar Singh, Mula Singh, the Police spy, and the witness Ichhar Singh, and by P.Ws 68, 213, and 251 on jail parades.

In Court by the aforesaid persons, and the P.Ws. 28, 29, 66, 67,213 (a Pathan tonga- driver), 261, 362, 379, 380, and 381. P.W.172 mistakenly pointed him out in Court as a man who had joined the ship at Singapore, and P.W.212 was unable to identify him in court.

This accused's dossier is a big one.

Approver Amar Singh tells us of accused's joining the ss 'Korea' at Yokohama, and says that on the "Tosha Maru" accused lectured on unity." We have pointed out elsewhere that this approver appeared to be trying to modify his statement in favour of the accused. This approvers's story continues as fallows:- On arrival at Calcutta, the accused manages to remain behind there; and later, comes enquiring at accused Bhai Parmanand's for accused Jagat Ram and this witness, and meets them in a temple. He is told by the witness of a proposed meeting at Chaherta; and goes there with him about the first week in November, but returns at once to Lahore. A little later he meets accused Kartar Singh and the witness, and tells them that arms are obtainable on payment from Calcutta. His attempts to go there with Kartar Singh via Benares but fails (page 68), and he tells the witness of this at Jullundur, and says that he is going to Kapurthala to meet accused Pingle. The witness accompanies him there, and they meet the conspirator Pingle, Kartar Singh and Nidhan Singh and Pingle states that a Bengali is going to join them. About the end of December, at Arnritsar accused assists at the experiment with the test bomb prepared by the absconding Dr. Mathra Singh. He proposes going to Ludhiana with Mathra Singh and Harman Singh of Jhelum after buying chemicals. About February 14th he accompanies the witness and others to Lahore from Amritsar to discuss plans with Rash Behari Bose, and on the 15th or 16th is sent to Amritsar to find out the whereabouts of Mula Singh's separate house, and bring to Lahore any articles therein (it will be remembered that Mula Singh was arrested on February 13th.) On the 16th and 17th he returns to Lahore, bringing bombs, cartridges and a country made pistol (exhibits 25 A. to F.) which are put in the Wachhowali House, along with other chemicals in the possession of accused the key being made over to witness (page 78). After the alteration of the date for the rising to February 19th accused is sent to Peshawar with literature and flags. A noticeable point in the absence of cross-examination of this approver on any but general points, what there is of cross-examination will be found in a small paragraph near the bottom of page 84.

Mula Singh, approver, first meets accused at the Virpali Dharmsala,

when Dr. Mathra Singh is introduced. Accused explains his failure to meet Kartar Singh on the trip to get arms. This approver then corroborates Amar Singh's evidence re the test-bombs. He says that he and accused went and bought a brass inkpot and chemicals, and accused brings kirpans and helps Mathra Singh to grind chemicals on the stone slab. (Exhibit P.34.) He then goes with others to test the bomb near the canal bridge;accused throws the bomb against a masonry boundary pillar (page 96). The witness gives accused, and Mathra Singh and Nidhan Singh Rs. 150 for making bombs at Jhabewal. About the middle of January Dr. Mathra Singh tells the witness that accused has gone to Bengal for arms. On about February 18th accused arrives at Amritsar and says that he had been arrested by the police, but had been released, and that arms and partisans are available in Jhansi direction, and is told by witness that accused Hirde Ram will be sent with him. Nothing was elicited from this approver in cross-examination.

Approver Nawab Ithan states that accused was brought on board the "Korea" at Yokohama by accused Jowala Singh, and Keser Singh wearing Japanese dress. The witness speaks of him as "a great Sanskrit scholar" and says that he *used to recite seditious Sanskrit Poems on the ship* — some of them on the "Tosha Maru" between Hong Kong and Calcutta. At Singapore, accused is one of those who attempts to temper with troops, and is one of those sent to dispatch the telegram at Penang to the Amrita Bazar Patrilca". On or about December 14th Kartar Singh tells this witness that accused has made over a revolver to Bhai Parmanand, who has passed out on to Kartar Singh. On Februry 18th after this approver's release on bail, Nand Siogh, accused, tells him that accused had supplied many revolvers, and had sent 2 chests by train, which had failed to arrive. (This approver's brief cross-examination as to his conversation with Nand Singh will be found at page 142, and, as shown on page 144, he was practically asked not a single question to test his veracity re the present accused).

P.W. 198 Ichhar Singh has explained his calling accused " his old friend" at the court identification by *saying that accused "grinned" at him in Court*. He states that accused was brought to Lohatbadi by the Anarkali murderer as knowing how to make bombs, and that he gave accused Rs.30 for Rail-fare to Bengal, accused being told to consign revolvers obtained to the witness at Kup railway station. This evidence goes to corroborate that of the previous witness. Accused tells the witness that the *Delhi bomb thrower is ready to come to the Punjab to make bombs, but the witness says*

he cannot find him a hiding place. From Cawnpore the witness receives a letter from accused saying that accused is going to Allahabad. Now, how came this witness to invent all this detail, if his story be false?

Approver Sucha Singh (page 272 also mentions accused and Dr. Mathra Singh in connection with bombs, and is told by accused and the Anarkali murderer of their intention to go to Calcutta. On February 11th, the witness finds him at one of the Lahore houses, Rash Behari being there also. On February 17th witness again meets accused in company with approver Amar Singh, and is directed to Rash Behari's private house. In cross-examination (page286) this witness merely replied to Defence Counsel that he had never met accused at Jhabewal, and that accused "was not mad".

Approver Jowala Singh has only said that" he thinks he saw a Bengali like accused on board then", and that he saw him at the Penang Gurdwara.

Approver Umarao Singh states *that accused recited verses at Hong Kong Gurdwara;* and speaks of accused, along with Dr. Mathra Singh, visiting Jhabewal, and selecting a place near a well about a mile from that village for bomb-making. Accused spends his nights there with Mathra Singh grinding chemicals; and is given by the witness 5 seers of a chemical supplied by Sucha Singh. About the 8th January accused and Mathra Singh leave Jhabewal, on the witness telling him that people are becoming suspicious. A few days later at Jhabewal, he tells the witness that he had been without success to Bengal for arms. And leaves for Ludhiana.

P.W 16 (Liaqat Hayat, Deputy Superintendent of Police) tells us that Mula Singh, approver, mentioned this accused (before that approver's statement began to be regularly recorded) as having been present at the bomb experiment; and as one of the 3 "actual makers of bombs" the other two being accused Hirde Ram and the absconding Mathra Singh.

P.Ws. 28,29 and 17 (Inspector Ahmad Khan) speak as to the arrest of this accused when loitering outside house No. 2 on February 23"'. On his person was found exhibit P.112, the missing page of the Atlas (exhibit P.110 A. found in house No.2.) upon which page 6 large stations have pencil cross-marks set against them, whilst other places have been undedined in pencil. Exhibit P.113 is the list of things found on accused and this witness says *that accused when arrested, stated that he had come to Lahore to study Sanskrit at the D.A.V college*. This witness further states that accused admitted that he had buried a copy of the " Ghadr Sandesa" near Peshawar; and this was recovered (exhibit P.129). P.W.42

corroborates re the finding of exhibit P.112, on accused and signed the search list exhibit P.113. P.Ws. 66 and 67 speak as to accused's residing at different times in the "Arya Smaj Mandir" in Anarkali, Lahore (compare approver Amar Singh's statement about meeting in a temple): and P.W.68 is on the same point, and regarding accused leaving a Lohi with him at Jullundur. In February accused left some clothes at this last witness's shop in Lahore, saying that he had come to study Sanskrit at the D.A.V. College, but had not been admitted. P.W 72, the police spy, saw accused at home No.1 on February 15th, and again on the 16th when accused was given a pistol in leather case, which the spy could not get in to his pocket after which, accused left with the spy and Bela Singh, Zaildar, for Ansritsar. In cross-examination this witness stated that he did not mention accused's name to the Police, as he did not know it — it being part of the conspirator's policy not to be too curious about names. To the Police he spoke of accused as the "Rajput." In cross-examination on behalf of this accused, approver Narain Singh admitted that he himself had never seen" the Bengali." P.W.384 tells us that on March 19th accused admitted as having burried a copy of the "Ghadr Sandesa" near Peshwar; and it is dug up (exhibit P.129) on march 20th by accused himself in the vicinity of Jamrud. This piece of evidence is corroborated by P.W.213, a Pathan tonga-driver of Peshwar. P.Ws. 242 and 243 are as to accused's presence in Jhabewal. The first of them could not identify accused, but" saw two men dressed as Sadhus pounding some yellow stuff'. The second (a Zaildar) identified accused on Jail Parade and in court as a "stranger" who was in Jhabewal about January 9th and this witness also identified 2 pestles and mortars. P.W.251 (of Jhabewal) also identified 2 pestles and mortars. P.W 251 (of Jhabewal) also identified accused in jail parade and in court as having come with "a doctor" the "doctor" being anxious to meet accused Nidhan Singh at Lohatbadi, where the witness used to teach girls in the dharmsala.

P.Ws. 362 379, 380 and 381 have been produced in respect of the seditious speeches on the "Tosha Maru;" and the first of these has spoken of accused as " a leader".

It appears from the above what a vast volume of evidence there is against this accused who only produced two Defence witnesses. They are D.Ws.227 (a pensioned Army havildar) and 228 (a Mukhtar of a Zamindari). Their evidence is to the effect that accused went to Japan in May 1914 and returned in November, because work stopped on account

of the war. He remained in his village for 1½ months, and returned there for a month in January. One of his brothers is a Mukhtar, and another a Patwari. These two witnesses belong to accused's District in the United Provinces.

Accused in his statement (Page 380) has denied most of the allegations of the witnesses for the prosecution; *hut this statement is full of half- admissions, which tend to corroborate the prosecution evidence.* He admitted having recited a poem on board at Singapore, which Nawab Khan or Amar Singh copied namely, the poem "Bharat Mata" which accused has actually described as " not seditious." We cannot agree with him; it is only necessary to read the poem to see how seditious it is. He admits staying at the Arya Samaj Mandir in Lahore in November 1914; and has given as his reasons for coming to the Punjab that approver Amar Singh gave him 2 sovereigns to enable him to leam Sanskrit at the D.A.V College. He Says that on December 29th he was taken to Kapurthala by Amar Singh, Pingle and Kartar Singh to join in "National work"; accused did not understand what was meant. He admits going to Sant Gulab Singh's Gurdwara at the beginning of January, and meeting Amar Singh, Mula Singh and Mathra Singh at the Virpali dharmsala. There (he says) was a discussion about starting a newspaper. He never had anything to do with bombs. He admits going to Ludhiana with Dr. Mathra Singh and meeting accused Nidhan Singh; but denies having gone to Jhabewal. He denies seeing approver Sucha Singh at house No.1 on Februry 11th, but saw him on February 17th or 18th; He identified the photograph (exhht P:31) of Rash Bhari Bose; and says that he saw such a man in house No I on Feb 14th Arur Singh who took him there, called the man some name like" Gorinder Ravender Nath". Accused first stated that he had conversed with that Babu on February 16th or 17th, and then said that there was no direct conversation, but that Amar Singh told Rash Behari that he (accused) had come to learn Sanskrit, and was a "quiet fellow," who would not tell any one anything." He admits the circumstances of his arrest; and says that he went to house No.2 specially to see Amar Singh, who was his friend, and Dr. Mathra Singh, who was Amar singh's friend. He has not suggested why Amar Singh should have tried to get him into trouble; nor why the witness Ichhar Singh should have concocted the piece of evidence about the letter from Cawnpore. He admits that the page of the Atlas was found on him he took it out of the Atlas with Amar Singh's permission but denies having

made the pencil cross- marks on it. He admits being taken to Peshawar for purposes of identification but denies having recovered exhibit P.129.

The Crown Counsel did not trouble to argue the case against this accused. Counsel for the defense has not attempted to support his bare assertion that the "Tosha Maru" witnesses (P.W. 362, 379, etc.) have laid themselves out to implicate every one they could recognize. It is urged (why, we do not know) that accused is of the "type of which Sadhus are made." We are told that it would have been" an acts of madness" to take the "Ghadr Sandesa" and bury it at Peshawar but why should the police have invented this? We agree with accused's counsel that this accused cannot be connected with the "Barman Singh" spoken of in Indar Singh Granthi's confession. Lastly, accused's counsel has pleaded that "accused is very young, and played a subordinate part."

We most certainly cannot agree with him; and the evidence of accused's guilt is overwhelming.

> **On consideration of the above evidence, we convict the accused of offences under section 121 (abetment of waging of war), 121 A, 122 and 124 A of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.**

(58) Pirthi Singh, son of Shadi Ram, of Sabhu, Patiala State, aged about 26.

Prithi Singh

Prithi Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 575), was admittedly one of the ss. "Korea" and "Tosha Maru" passengers; and *was arrested at Ambala on December 8th, 1914, after a violent struggle with a Police official — in respect of which incident this accused is now undergoing a sentence of 10 years' rigorous imprisonment. He was, of course, unable to produce any witnesses from America for his defence.; and produced no other witnesses — and admittedly belonged to the Ghadr Party in America; and was on the permanent staff of the Press at the "Yugantar Ashram."*

He was identified in Court by approvers Mula Singh and Nawab Khan; P.W. 65 failed to identify him; P.W. 368 was at first doubtful about him; and P.W. 228 at first pointed out accused Kartar Singh as this accused. The approver Amar Singh failed to identify him on Jail parade, and also at his first attempt in Court; but there is excellent reason to believe that Amar Singh did this deliberately- accused being his special associate. He also stated to us that accused's complexion had now darkened, and that he had started growing a beard (page 65).

Approver Amar Singh, who himself worked on the staff of the "Ghadr" Press, tells us of accused's association with it (page 62); and positively asserted in cross -examination that he and accused came together in the special train from Calcutta to Raewind, and that accused came to Mool Chaand's serai in Lahore in his company. Next day both of them visit accused Bhai Parmanand to get accused Jagat Ram's address; and accused leaves his baggage in Jagat Ram's charge (Jagat Ram, too, had admittedly been on the "Ghadr" Press Staff). Accused goes to the Nankana fair with this approver to meet returned emigrants. He apparently attended meetings at Phagwara and Ladowal; *and returned to Ambala to agitate among Rajputs*. Later, at Phagwara he is told to get his Ambala men ready. He meets witness at Ludhiana, and goes with him to Jullundur and to meet accused Hari Singh. Then about November 30th to Jullundur City, where he meets "a Bengali", who gives him an address privately, and arranges meeting at Lahore and at Benares (for December 5th). Again at Phagwara, he tells witness that the Bengali gave him nothing at Lahore, but again arranged to meet him at Benares on December 5th. Accused then leaves for Ambala. At his own village this approver reads of accused's arrest for an attack on a Sub-Inspector. In cross-examination he stated that accused was not at the Moga meeting.

Approver Mula Singh has only mentioned accused as one of those returning in August 1914 for a revolution.

Approver Nawab Khan meets him first on the ss. "Korea"; and says that at Yokohama this accused supplied accused Parmanand II with Hindustani clothes (in place of Japanese dress). At Manilla, accused handed

over seditious literature to Jagat Ram to avoid the search at Hong Kong; but after leaving that port, objected to handing over the publication "Land and Liberty," which belonged jointly to himself and Amar Singh. At Hong Kong this accused and Amar Singh are added to the Central Committee to assist accused Jagat Ram to run a seditious Press in India (page 131). At Penang he is one of the party sent out to enquire about rifles in Police Stations. At page 132 we find a mention of him in connection with the "aluminium pan" for cooking "potatoes"; which this witness says was in the baggage of accused Amar Singh and Jagat Ram. At Calcutta, he makes over revolvers to Jagat Ram and assists him to get away. The witness next meets him at Ludhiana, and drives with him to the Ladowal meeting of November 17th, 1914; one of the matters there arranged being that accused and others should loot the treasury at Nawanshahr (the village of accused's friend approver Amar Singh). Accused is given a Rs. 50 note by Jagat Ram with secret instructions; and tells the witness that accused Bhai Parmanand has advised him to keep to the "military part of the mission" saying that he himself (the Bhai) would look after the seditious Press. This witness further states that on about December 9th Amar Singh told him that accused had taken 2 cocoanut bombs from the "Kapurthala Party" to the Ferozepore assembly on November 26th and on to Ambala. The witness never saw accused himself after November 19th, but heard on December 10th from Kartar Singh that accused had been arrested.

Approver Umrao Singh (page 333) states that he and accused, when abroad lived together at Claremont, where accused showed him the Ist or 2nd issue of the "Ghadr" They worked together at Chickamauga, where accused received the "Ghadr" regularly, and then went to work on the Press. He comes to tell the witness that the ship is ready for revolutionists, and leaves with accused Bhan Singh (page 335), and the witness finds him at the "Ghadr Ashram" on August 28th, 1914. On 9th November, the witness meets him and accused Nidhan Singh, two of the Ferozeshah murderers, and others at Ludhiana clock-tower (page336).

What good reason could these approvers have had for inventing all this evidence?

P.W. 65, who could not identify accused, remembers that Amar Singh visited him in company with a man whom he called "Pirthi Singh -this witness is a relation of Amar Singh. P.W. 368 is a tonga-driver of Halwara (Nawab Khan's village) who corroborates re Nawab Khan's

drive with this accused from Ludhiana to Ladowal.

P.Ws. 350 and 365 give evidence re the arrest of accused at Ambala on December 8th. The first of them is an Ambala Sub-Inspector, who tells how he was sent to arrest accused, and how accused attacked him and got him down, and assaulted him. *The latter witness is an Executive Engineer who arrived after the struggle, and found both combatants unconscious. Accused was grasping the barrel of the Sub -Inspector's revolver which the witness removed.*

In his statement (page 461), beside admitting his connection with the "Ghadr" Party in America, accused admitted having read out the "Ghadr" newspaper in Claremont, and having been at the "Ashram" on August 28th, though he denied knowing approver Umrao Singh. He admitted having possessed the pamphlet "Land and Liberty", and admitted having given Jagat Ram a dhoti to wear to help him to get away at Calcutta. He asserted that it was with Jagat Ram only that he drove from Ludhiana to Ladowal in a tonga; but, if this were so, how did Nawab Khan come to know of it? Accused admittedly attended the Ladowal meeting and thinks he did meet Amar Singh at Phagwara on November 18th. He went to Ambala, but not to seduce troops. He states that the Police Sub-Inspector (who was not in uniform) commenced the assault on him. Most of the allegations against him he denies altogether. At the end of his statement, he says that in August 1914 he invited Amar Singh to join in the work of starting a newspaper in India, but denies travelling with him to Raewind. He denies having met any Bengali at Jullundur, and gives a fuller account of his struggle with the Sub-Inspector, whom he says, he did not know to be a Police Officer.

Counsel for the Defence has urged that accused was led astray by Har Dyal, and has made a quantity of general observations to the effect that there were two conspiracies, the first of which ended (he says) when accused and Jagat Ram were arrested. This, in any case, would not be of much use to his client. He has pointed out that there is no evidence that accused ever collected any men in Ambala -this is true; but no witness has alleged that he did. It is asked how the "aluminum pan" was not found on the occasion of any search; and we are told (on no authority) that such a pan could not be used for containing acids. We do not wish to attach undue importance to this bit of evidence, but there is nothing to show why it should have an object of suspicion to a searching official, and why should the approver have thought to concocting a statement

about it?

We, of course, bear in mind that accused is already undergoing a sentence of ten years; but we have no hesitation about finding his guilt proved in the present case.

On consideration of the above evidence, we confict this accused of offences under sections 121 (abetment of waging war), 121 A and 124 A, of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in January 1916. Prisoner No. 38371. On 30 Nov. 1922, while being transferred from Rajah Mundry to the Nagpur Central Jail, he escaped from the running train. He came into contact with Chander Shekhar Azad in September 1930: Took part in Bombay Lamington Road Police Station raid in October 1930 along with Mrs. Durga Vohra (Bhabi) and Sukhdev Raj, M.A. of Distt. Gurdaspur (Pb.) Arrested in Kabul with Gurmukh Singh (17) in 1933. Later associated with Gandhiji and remained in Gujrat. Expired on 5 March 1989. — Eds.]

(59) Pingley Veshno Ganesh, son of Ganesh Pingley, Brahman Marhatta, of Talegoan Dhamdhera, District Poona, Aged about 22 years. [What a coincidence! Bhagat Singh's fellow Martyr Raj Guru and his role model Sarabha's fellow Martyr Pingley both happened to be Brahmins from Poona. — Eds.]

Vishnu Ganesh Pingley

This accused, who plended "Not guilty" to the charges framed against him (page 577), but did not wish to produce any evidence for his defence, *is one of the most important of the accused before us*. He admittedly reached Calcutta on November 20th, 1914, by the SS. "Salamis", on which ship accused Balwant Singh of Sathiala, Gurdit Singh of Sur Singh, and Wasawa Singh of Gilwali were also passengers. He was arrested at Meerut on the night of March 23rd, 1915.

He was identified in Court by approvers Amar Singh and Mula Singh; by apparover

Sucha Singh and the students P.Ws. 227, 230, 231 as the man they had knows as "Sham Lal"; by P.W. 72, the police Spy as a man "who was with the fat Babu"; by the boy, son of Mahi, Havidar, P.W. 163 at his second attempt, as a man whom he had seen in Singapore; and by P.Ws. 125 and 206. P.W 183 failed to identify him; and P.W. 99 was doubtful.

Approver Amar Singh states that at the end of December 1914 this accused, in company with accused Kartar Singh and Nidhan Singh, was introduced to him and accused Parmanand II at Kapurthala; and that accused told them that a Bengali of the Bengal Party would co-operate. The accused returns with the approver Kartar Singh and Nidhan Singh to Amritsar, where they meet approver Mula Singh and accused Harnam Singh of Jhelum; and attends a conspirators' meeting where it is decided to join in with the Bengal Party. He meets the absconding Dr. Mathra Singh, and goes with him to Sant Gulab Singh's Dharmsala. Accused then leaves with a Bengali for Benares. He is present at a meeting at the Baba Atal house, Amritsar, about the middle of January, when Rash Behari suggests the renting of houses in Lahore. The approver next sees him at the Gawal Mandi House, Lahore, in company with Rash Behari, Dr. Mathra Singh,the absconder Rao, and Rash Behari's cook, accused Jamna Das. This was on February 4th, when the news of the Chabba dacoity was read in the "Bulletin" newspaper. On the 8th and 9th February, accused is present at House No.2 when Mathra Singh brings a sample duplicator, and at the same house with Rash Behari and others on February 15th. He attends a meeting at House No. 1 on the evening of the 16th, and is sent with accused Kartar Singh to Ludhiana and Ferozepore to collect men, taking flags and "Ghadr di Gunj" for troops. On the 19th (the day of the raid on house No.1) he is found in Rash Behari's private house with Rao and Jamna Das.Two lines of cross-examination appar at page 87.

Approver Mula Singh states that in November 1914 he met accused at Singapore; and it was arranged to meet at Amritsar and start a revolution; and plans were discussed next day before the sailing of the witnes's ship. He corroborates the meeting with accused at Amritsar at the end of December, on accused's return from Kapurthala.Some time before January 10th accused (dressed as a punjabi along with Sanyal meets the witness, and they go to the Virpali dharmsala, where accused *says that be can bring the Bengali who threw the bomb at the Viceroy (vide P.W.99); but tells the witness that "it is not necessary for him to*

know the name of the Bengali". Accused further says that pistols are obtainable if funds are forthcoming, and offers to go the Doaba to raise funds. About January 11th, he sends accused Ram Sarn Das to meet the witness with Rs 200 (page 98). He returns to Amritsar about January 13th, and is informed of Sanyal' departure for Benares, and of the hiring of two houses in Lahore. He goes with Amar Singh to Lahore, and apporoves of the two houses, and of the house in Amirtsar hired from Mussammat Atri. He sends a letter under the assumed name of "Zinda Singh" by the hand of Rao to the witness, and about the middle of January (page 99) arrives with Rash Behari. The time of this arrival approximates to that given by approver Amar Singh. The same day there is a discussion about the Viceroy's bomb, and revolutionary methods in general, and Pingle describes the accused Rash Behari as "Chuchandra Nath Dutt." He suggests sending Rao and Hirde Ram to Banaras for bombs and pistols. He is present when certain gold bars are made over to Amar Singh. About the end of January, Rash Behari sends him with Rao and Kartar Singh to Allabhabad or Meerut to be in introduced to partisans, and about the 6th February Rao returns to Amritsar, saying that he left accused and Kartar Singh in Meerut. Accused is present at Rash Behari's house in Lahore on the 12th February, when the 21st is fixed for a rising; and it is decided to have a National Flag. In cross-examination (page 113) the witness says that he never saw accused in America, but told him to come to the Punjab, and that he would find him (the witness) in Amritsar.

Approver Sucha Singh states that he knows accused as "Sham Lal", and that, at their first meeting accused discussed bombs with accused Kartar Singh. Accused takes him to the house of accused Puran Singh. The witness meets accused at the Baba Atal house on February 2nd and on February 3rd accused joins the witness. They proceed on a similar errand to Agra, Cawnpore, Allahabad and Benares, where on the 7th they meet the absconder Rao. Accused changes into Bengali costume; and there are further attempts to seduce troops. The witness is sent with seditious literature to Fyzabad, and rejoins his two companions at Lucknow, where accused goes searching for one Gupta. On February 11th the witness reaches Lahore and meets accused at the station, and is taken to House No 2, where he finds Rash Behari, Kartar Singh and Parmanand II. He meets accused at Puran Singh's house on February 13th,and next morning accused leaves for (the witness thinks) the United Provinces. In cross-examination the witness states that accused did not

accompany him to Ambala.

Approver Umrao Singh states that, towards the end of December, accused came with the two absconding accused Dr Mathra Singh and Harnam Singh of Jhelum, to Jhabewal the Doctor bringing a certain chemial with him, and accused leaves in company with accused Nidhan Singh.

P.W. 16 (The Deputy Superintendent of Police) states that, in his statement recorded between March, the 12th and 14th, Mula Singh, approver, mentioned this accused in connection with a message sent to accused Madan Singh.

P.W. 72, the Police Spy, states that accused was with "the fat Babu", and that he saw him at House No. 1 on February 5th. Again on the 16th when accused gave the witness Rs. 10, and along with Rash Behari, supplied him with a flag, seditious literature and a pistol out of repair (exhibit P. 56). The witness says that when he first saw accused he thought him to be a Bengali. In cross-examination the witness states that he never saw accused in Shanghai (page 190).

P.W. 99 (who was in some doubt about accused at the Court identification) states that a "person with protruding teeth''- (accused's teeth are noticeable) -"said he would bring a bomb expert from Delhi" (compare the statement of Mula Singh, approver).

P.W. 125 (Mahant of the Virpali dharmsala) states, in corroboration, that Mula Singh came with accused to that dharmsala.

P.Ws. 176 (Mr. Wilkinson, Assistant Superintendent of Police, Meerut), 177 (Colonel Humphreys) and 178 (Major Tabourdin) give the full details of accused's arrest in the lines of the 12th Cavalry at Meerut on the night of March the 23rd. P.W. 183 (the father of approver Udham Singh) failed to identify accused in Court; and could only say that he had heard his name on board ship.

P.W. 206 (a Jemadar of the 12th Cavalry) is an important witness. He tells us how he learnt from Bugler Amar Singh, cousin of Sucha Singh approver, that accused and Sucha Singh and Kartar Singh had visited the Lines, bringing seditious literature. Accused was passing under the name of "Dalpat Singh." The witness reported to his Commanding Officer. He tells us of the subsequent visits of the accused, who said that 300 men were ready at Ferozepore, and that bombs would be got from Ludhiana. Accused goes to Delhi, and on his return, tells the witness of the arrests of Kartar Sngh near Sargobha, and of approver Sucha Singh.

He invites the witness to go Cawnpore and Benares, and, on March 20th, he and the witness leave for Benares. On arrival there, accused change into Bengali costume; the witness shows a bomb, Shown exhibit P.13 (Rush Bengali's portraits), the witness could only say that "may be that was the Bengali". The witness reaches Meerut on the night of March 22nd with accused whom he takes to the Lines along with a trunk containing 10 bombs and 10 phials (vide exhibit P. 198). At the witness's request, accused writes in English in the witness's pocket book a recipe for bombs (exhibit P. 197). The witness corroborates as to the details of the arrest of accused. P.W. 227(a student) states that "Sham Lal" invited him to go to Meerut; but, as he declined, accused left with Surti Singh. P.W. 230 (another student) is this Surti Singh, who states that 'Sham Lal" visited Sucha Singh, approver, and says that "perhaps" the Anarkali murderer told accused that he had beaten a bania at Sahnewal (this appears to be an attempt to bolster up Kartar Singh's version of that dacoity). The witness identifies an inkpot bomb shown to him, and corroborates P.W. 227 as to meeting accused just after going to fetch a duplicator. He says that accused taught him to use the duplicator, invited him to accompany him and them took him a ticket for Meerut, at the same time taking one for himself for Delhi. The witness is dispatched to Meerut with flags and a bundle of literature to be made over to Inder Singh sowar (regarding whom, vide the statements of the 12th Cayalry Officers.) The witness is instructed to mention to Ishar Singh the names of "Kartar Singh" and "Sham Lal" ; and according to this witness, Ishar Singh was to find out particulars about treasuries, telegraph offices, etc. The witness states that he performed his mission.

P.W. 327 (Colouel Muspratt. Williams, Chief Inspector of Explosives) has given expert evidence regarding the 10 bombs (5 with clamps), the 10 "perfume-bottles", and the "Greek-fire"; and Mr. Denham (on special duty in the C.I.D.), P.W. 396, speaks of his tour with Sucha Singh, approver, to Benares and elsewhere, in verification of that approver's statement.

The accused, who produced no witnesses for his defence, made the **statement** which commences at page 428. He states that he was never a member of the American Ghadr Party; and that he returned to India, because on account of the War, some 40 per cent of self-supporting students could find no employment. He admits meeting Mula Singh on board Mula Singh's ship at Singapore, when Mula Singh spoke to him

of the Ghadr party. However, accused did not listen to him, but said he would come to the Punjab and "study the condition of the Punjab first". At Kobe, he received a telegram to the effect that all Indians were being arrested on arrival in India. Official action with regard to himself at Hong Kong and Calcutta caused him to believe this. He came to the Punjab at Mula Singh's request, not to cause a revolution. He admits at the end of December he visited Kapurthala with accused Kartar Singh, Parmanand II and approver Amar Singh (he thinks Nidhan Singh was not there), and admits that he saw accused Ram Saran Das, whom he asked to "join the national cause", but who refused. The visit was only for the purpose of "seeing educated men, and enquiring what they thought of the conditions of India". He knows nothing of the experimental bomb. He went down country from Amritsar after a meeting at Virpali dharmsala' and his statement continues thus:- Mula Singh told me he wanted arms and explosives. I asked what for, and he said he wanted to loot Thanas and kill European officers. I said I was not sufficiently acquainted with the Punjab to express any opinion, and I went down country to see a Bengali, but am not prepared to say that it was Rash Behari Bose. I cannot say why I went to see the Bengali, or whether he was a member of the revolutionary party".

He admits returing to Amritsar with a Bengali named "Narendra Nath Dutt"; but is not prepared to say whether it was, or was not Rash Behari. That Bengali "only came to the Punjab to see the conditions of the country." He had not known the Bengali long; had seen him twice before he came to Amritsar; and was unwilling to say how he got to know him. He admits seeing at Amritsar a Bengali whose servant was accused Jumna Das, but declines to say whether the Bengali was the man whom he had seen before. He had much talk with him about how to form a society, which would last more than a century; how to obtain self- government by legal methods; and about passive resistance. Hearing that Kartar Singh, accused, "was working on different lines," he went with others to see him on Ludhiana in January 1915. Questioned as to whether he invited the student witness P.W. 227 to go down country and tamper with troops accused replied — "I asked someone to go down country, but not with the object of tampering with troops, or of bringing of bombs." He denied the allegations that he was present at an Amritsar meeting about January 22nd, and at several specified meetings at the Gawal Mandi house. He denies hacing been deputed on February 16th to

go the United Provinces to raise a rebellion, but says that a Bengali (whom he declines to name) sent him to enquire, "what the troops thought of the War and present conditions." He admits visiting Meerut, Agra, etc., in company with Kartar Singh and Sucha Singh, approver; but interviewed one soldier only at Meerut. He denies having seduced Ishar Singh and others of regiments, but says that the Jemadar witness brought the bombs (accused not being with him) from a Bengali to whom he had introduced the witness. He got to know that witness through the aforesaid Ishar Singh, and introduced him to the Bengali at Benares simply "to talk things over." Accused was at first "not prepared to say;" and then admitted that he has writen out the bomb recipe. (exhibit P. 197) for the Jemadar witness, "who frequently asked him" for such a recipe. He says that he told the witness that he did not know how to make a bomb, but finally gave him the recipe, which was "a false process." He admits his arrest in the 12th Cavalry Lines, but "does not know if there were any bombs there." He states that accused Jamna Das knew nothing about his master's work; that he never used the names "Sham Lal" and "Zinda Singh" (why should any one have invented them for him ?); *and that he changed his costumes "as a kind of fancy."* He thinks he met no Bengali in Benares when he went there with Sucha Singh, but declines to say whether he knows any persons named Sanyal and Rao. He only saw accused Ram Saran Das once, and never asked him to take Rs. 200 to Mula Singh. He never stayed at the house of accused Puran Singh. Mula Singh never came to Lahore until February 12th. The other allegations against him accused denies.

This is the statement of this accused, and it can obviously carry no conviction of his innocence; whilst it is apparent how far it goes to confirm the statements of the Prosecution witnesses.

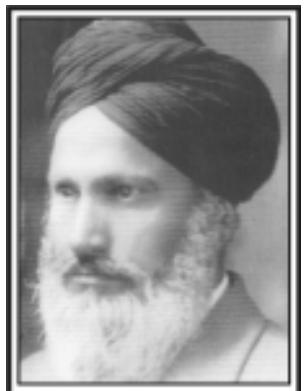
As the accused is a will-educated man, with a very good knowledge of English, and as he had done most of the cross-examination of witnesses himself, we enquired from him whether he wished to argue his own case before us. All that he wished to say amounted to a brief statement that, an arrival at Calcutta he met some (alleged) eye-witnesses of the Budge Budge affair, who told him that the true facts had not been published, and who said that they wished to see the relatives of some of the deceased rioters, so as to petition the Viceroy. The Bengali, accused said, came from Benares with him for that purpose; and accused gathered from his conversation that he had been to the Punjab before.

There can be, of course, no doubt whatever regarding this accused's connection with this conspiracy, and his association with Rash Behari. There can bee no doubt his endeavours to seduce troops; and we believe the evidence that he assisted to bring bombs from Benares just prior to his arrest at Meerut. *It is certainly regrettable in the extreme that a young man of accused's talents, who might have made a success of his life and have been of service to his country, should have chosen to associate himself with a band of revolutionaries.*

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A, 122, 124 A, 131 and 132 of the Indian Penal Code. We hereby sentence accused to be hanged by the neck till he be dead; and order that such of his property as is liable to confiscation be forfeited to Government.

[Pingley — The discovery of bombs etc. in 12th Cavalry Lines at Meerut on 23rd March 1915 unnerved the Govt. of India: So much so that on 24th March Mr. Charles Cleveland, Director of Criminal Intelligence, India, along with his top associates personally went to Meerut on 24th March 1915. For complete details please refer to *Ghadr Movement: The Soldiers' Revolts*, Vol. IV, pp. 107-128. — Eds.]

(60) Piara Singh, *alias* Karm Singh, son of Lakha Singh, of Lageri, Police Station Mahalpur, District Hoshiarpur, aged about 32.


Piara Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 579), was admittedly a ss. "Korea" passenger; but reached India by the ss. "Fan Sang" about October 16th, 1914. He was arrested on April 12th, 1915.

He was identified in Court by name by approver Amar Singh, and by approver Nawab Khan, who stated that he knew him by sight only.

Approver Amar Singh states that at Nagasaki this accused, along with accused Nidhan Singh and Inder Singh of Sur Singh,

disembarked from the "Korea" to visit friends at Shanghai, and collect money due to them and bring others with them. He next meets accused along with Indar Singh aforementioned at Nankana fair, and learns of a proposed meeting at Chaherta for November 6th. The witness did not see him again after that (page 67).

Approver Nawab Khan states that at Kobe he, along with this accused and accused Kesar Singh and Jowala Singh visited "others of the Party" on their ship; and that accused, with Nidhan Singh and Indar Singh of Sur Singh disembarked with secret instructions from the leaders, accused 31, 36 and 43, to process to India *via* Shanghai. Further, that at the Ladowal meeting of November 17th (at which accused himself was not present) it was decided that accused should be deputed to collect Doaba men for the proposed looting of the Nawanshahr Treasury. On or about December 5th (page 137) this witness learns at Nangal Kalan that accused has gone to Kohat to stir up Sikhs in regiments. The witness admits that he never himself met this accused in India; and neither of these approvers has appeared desirous to unduly press a case against this accused.

Approver Umrao Singh (page 334) meets accused at the Stockton *Gurdwara* in company with approver Mula Singh and Bhai Bhagwan Singh towards the end of August 1914. P.Ws. 346 (a Sub-Inspector) and 347 (tendered to corroborate) are as to the arrest of accused on April 12th, 1915. A clue to his whereabouts was obtained through Chanda Singh, Zaildar (who was murdered on April 25th — the day this accused was sent into Lahore; and whose assassins have been dealt with by us in a separate case), and accused was captured, dressed as a *Sadhu*, after he had severely injured the Sub-Inspector in the thigh with a *takwa* (exhibit p. 290).

We also find this accused mentioned at page 415 (accused Nand Singh's retracted confession) in connection with the collection of men.

Accused in his statement (page 454) denied the allegations against him, and stated that he returned to India, because he heard from his father that he was very ill. He admitted disembarking at Nagasaki for Shanghai, merely to visit a co-villager. He denied wandering about the country with the co-accused Nand Singh. He admits being arrested at Bidwan in *Sadhu's* dress, and states that the Sub-Inspector struck him with a stick, and that he struck at the officer's mare with his takwa, but accidentally hit the Sub-Inspector. His story is quite unconvincing, when he says that, as he was sitting in a *Sadhu's* hut, some men on horseback passed (whom he thought to be *shikaris* — as they were not in uniform);

he ran away "for some miles", and was captured after a struggle. Even according to this story, what reason had accused for running away, if his conscience had been clear? He states that he used to live at Toronto, three thousand miles from S. Francisco; and had purchased a ticket direct to Hong Hong by the ss. "Manchuria", due to sail on August 15th, 1914; but, as that vessel was charactered by Government, he had to come by the "Korea". He reached his village on November 20th, and reported himself to the Police; remaining there for over 2 months (with occasional visits to relations). His house was twice searched, nothing being found; and he resented this, and turned a *fakir*. His ticket, he says, was in the name of "Karam Singh" — which name he has borne since 1908.

As regards Defence witnesses, D.W. 129 states that this accused reached the Jail with a fractured leg in splints. D.W. 224 (a pensioned *Havildar*) supports the story that letters were sent to accused about his father's illness. His brother could not get leave from a regiment at Kohat, and accused took his brother's wife there — (if approver Nawab Khan's story be a concoction, how did he become aware of this fact?). The witness tells us that accused quarreled with his father, because there were two house-searches after accused's return; and that a brother of accused has been twice wounded in the present War. D.Ws. 225 and 226 support the story that a number of persons, not in uniform, and some on horse-back went to arrest accused; that the Sub-Inspector first struck accused, who was hurt on the eye and let (the *Naqsha Mazrubi* is exhibit D. 20); and that accused used his *takwa* to prevent the horse from pushing him into a hedge. **(Baba ji had mentioned in his memoirs that at one point of time, the *Thanedar* was at his mercy but he refrained from attacking him. The *Thanedar* did not forget this gesture and during the trial he spared me a lot. For this he was black listed. His name was Tamiz Ahmed, who was from U.P. — Eds.)** D.W. 210 (a Sub-Inspector of Hoshiarpur) states that accused's eyes were not closed up when he (the witness) went to the spot on April 14th. He says there was a thorn-hedge near the road; and that he saw a big stick at the *Thana*, and understood that accused's leg had been hurt by a peasant, who came to the other Sub-Inspector's assistance. D.W. 211 (father of accused) and D.W. 212 support the reason given for accused's return from Canada; the story of accused's failing to get his original ship (no letter is produced); and the story of accused's quarrel with his father, whose house was twice

searched. The father says he has two sons in the Army — one of whom has twice been wounded.

Counsel for the Defence has urged that Mula Singh does not mention accused at Stockton; that the Sub-Inspector first struck accused, who had a right of private defence, and who had an apprehension of death or of grievous hurt; that there was no attempt to murder the Sub-Inspector.

We see but little force in these arguments. As accused was only brought to Lahore on the morning of April 26th (when this trial started) — how have Nawab Khan and Amar Singh been able to identify accused, if their stories be concoctions? If accused's conscience had been clear, why was he disguised as a *Sadhu*, and why did he run away from people who were not even in uniform? It has been admitted for the Prosecution that the Sub-Inspector did strike the first blow, but the accused had been chased for a long distance, and was armed with a *takwa*, which he promptly used with great violence.

As regards accused's statement that he had intended to catch a ship sailing on August 15th, 1914, but perforce had to come by the "Korea", it must be pointed out that, according to approver Mula Singh (page 91) the members of the audience at the seditious Sacremento meeting were actually advised to catch a boat fixed for sailing on the 15th August. Accused returned to India under an assumed name.

We see no reason to doubt the connection of this accused with the conspiracy; and the case is also clear as to his unwarranted assault on the Sub-Inspector who had to arrest him.

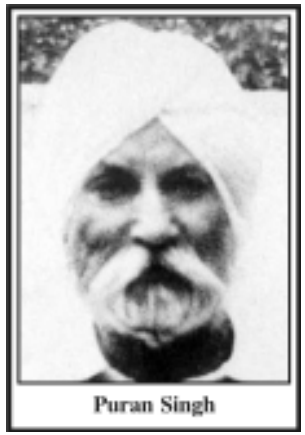
On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 326 of the Indian Penal Code. We hereby sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in October 1915. Prisoner No. 38518. Conditionally released under Royal Amnesty in 1920. Became active in Akali Movement as well as in Kirti Kisan Party. Went back to Canada in 1929 and collected funds for another 'Ghadr' in India on 1930. Prof. Waraich met him at his abode in village Panam on 16th March 1969 and obtained his photograph with his autograph on its backside. Expired on 18.09.1970. — Eds.]

(61) Prem Singh, son of Jiwan Singh, Jat, of Sursingh, Police Station Khalra, Lahore.

[Absconded. Finally arrested and sent up for trial in the Padri Murder Case and sentenced to death. — Eds.]

(62) Puran Singh, son of Hoshiar Singh, of Isawal, Police Station Dakha, District Ludhiana, aged about 16.


Puran Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 581), is another student accused. He gave his age as 15 years, but looks rather older than that. He was arrested on February 25th, 1915.

He was identified on Jail parade of April 24th by approver Sucha Singh, and in court by that approver, P.W. 199 (his relation), 224, 227 to 230 inclusive and 268 (Udham Singh of Hans — the man returned from Italy).

Approver Sucha Singh, who was a school fellow of accused, mentions him at page 273, and further on says that after the Mansuran dacoity he made over to accused's keeping a bomb given him by accused Umrao Singh, which bomb exploded afterwards in the house in which accused was living. On February 12th at Ludhiana, the witness meets accused (page 279), and digs up an inkpot bomb, the phial of phosphorus (exhibit P. 241) and some blinding-powder, and makes them over to accused to keep. On the 13th, the witness goes with accused to accused's abode and finds there "Sham Lal" (i.e., accused Pingley), whom accused thought to be "the Doctor." Accused is instructed by accused Kartar Singh in the use of the duplicator, and puts up that accused for the night. When the witness leaves for Ambala, he leaves one copy of the "*Ghadr Sandesa*" with accused, who later on helps him to duplicate copies, and himself writes out one copy (the Urdu copy being headed "*Paigham Ghadr*"). In cross-examination this witness states that he told accused that it was a bomb which he was making over to him (*vide* page 283).

P.W. 199 (a pensioned *Risaldar*) states that accused, his relation, was living at his house (but was out of it at the time), when the bomb exploded in his chimney. He identifies the 1st report to the Police (exhibit P. 228 of February 20th, 1915) and exhibit P. 229 (bits of the bomb,

etc.). P.W. 200 proves the reports, and identifies exhibits. P.W. 201 speaks as to exhibits P. 230, a bundle of seditious newspapers, found by his servant in a well near his *Shiwala* on February 23rd, which papers the witness took to the Police (and *vide* approver Sucha Singh on this point). P.W. 215 says that on February 25th accused produced from his room, prior to his arrest, a bottle containing a liquid "like water", and *kirpans* and a bit of a bomb (exhibits P. 241, 249 A.B.). Accused said the bottle had contained phosphorus, and he also produced a copy of a pamphlet on the "Rikab Ganj Gurdwara", in Urdu and Gurmukhi, with a map (exhibit P. 249 C.). The pamphlet was not seditious. Accused said that the bomb had been up the chimney. From this witness we learn that the clue to accused was obtained from Sucha Singh, and that accused, after his arrest, was allowed out on security to appear at an examination.

P.W. 216 and 217 give evidence that accused wrote the sample writing *exhibit* P. 250, copied from a page of exhibit P. 230; and we learn from them that the bottle was taken from an *almirah*; that it had the number "54" scratched on it; and that the bits of bomb lay round the fireplace. P.W. 218 (a drug-vendor) failed to identify accused *re* the sale of a certain chemical (which he sells for skin complaints) to Sucha Singh.

P.W. 224 (a teacher at the Ludhiana "Khalsa High School) speaks as to accused's being with Sucha Singh in the room of two other students, Anokh Singh and Sajjan Singh. He asked Anokh Singh why he had left off studying; to which Sucha Singh replied that the witness would very shortly see. The witness "thought he was speaking of the war." Sucha Singh threw a copy of the "*Ghadr Sandesa*" into the witness's house, and the witness burnt it.

P.Ws. 228, 229 and 230 are students, and the last of these tells us of Sucha Singh's shifting his things to accused's abode. He corroborates P.W. 227 *re* the fetching of the duplicator (exhibit P. 20 E.), and corroborates that witness it *re* meeting "Sham Lal" just afterwards. P.W. 227 states that accused used not to visit Sucha Singh frequently, but that he and accused were present when Sucha Singh showed them 2 files and a bundle of the "*Ghadr Sandesa*". Accused sent him to fetch the duplicator from the students, Anokh Singh and Sajjan Singh; and, at the witness's Boarding-House, accused duplicated 3 dozen copies of the "*Ghadr di Gunj*".

Accused in his statement (Page 477) asserted complete ignorance of

the *Ghadr* Party, but admitted writing, at Sucha Singh's dictation, a copy of the "Ghadr". He never saw the duplicator, nor did any duplicating, nor removed any bomb, nor bomb-materials. He did not know Kartar Singh by sight even, and cannot explain how the bomb came to explode in his relative's house. He says that there were 6 or 7 glass phials in the house, and that the one shown him in court may be one in which his cousin Pritam Singh's medicine had been kept. He give a weak explanation as to how he came to do copying of seditious matter for Sucha Singh, who, he says, told him that there would shortly be a rising, and that the Germans would come, and who threatened him into silence. He has also attempted to explain how he was able to identify accused Kartar Singh on Jail parade of April 9th, and has suggested (also in a short supplementary statement at page 683) that it was really Sucha Singh who put the bomb in the house where it exploded, and other articles in the *almira*.

The Defence witnesses are D.Ws. 142, 143 and 85 (Mr. Donald, Superintendent of Police, Ludhiana) — the remaining witnesses were given up. Mr. Donald has no recollection of ever telling accused that he would be made a crown witness (as accused had asserted). The other two witnesses can say nothing of any value.

The Defence counsel could say but little for his client; he repeats the suggestion that Sucha Singh was coming to live in accused's house, and probably put the bomb there. The copying of seditious literature he has actually described as "innocent mischief". He, like his client, tries to make out that it was really accused himself who made the first report to the Police.

We see no reason to doubt accused's guilt, and that he was fully aware of the conspiracy existing; but we are, of course, prepared to take into consideration the youth of this accused.

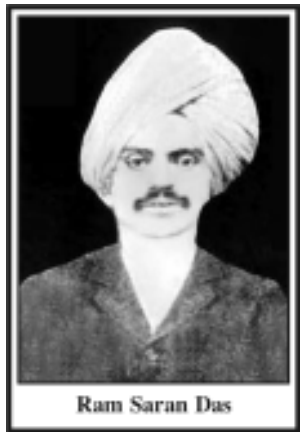
On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 124A of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

However, on the score of his youth, and considering his guilt as *even less than* that of the youth, accused Kharak Singh, we make the strongest possible recommendation to mercy. — 4 years.

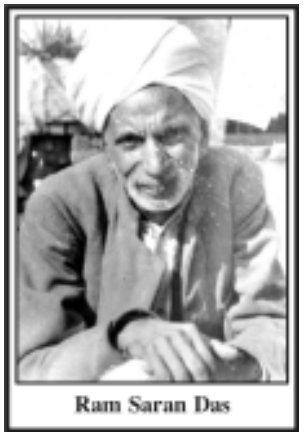
(63) Vinayak Rao Kapile, son of Biswas Nath Rao Kapile, Mahratta, of Poona.

[Absconded. Eventually murdered at Lucknow by S.N. Sanyal. — Eds.]

(64) Ram Saran Das, son of Sant Ram, of Kapurthala, Khatri, aged 27. [24.08.1888-08.02.1963 — Eds.]



Ram Saran Das



Ram Saran Das

Accused, who pleaded "Not guilty" to the charges framed against him (page 583), but *who withdrew all his defence witnesses*, is one of the Kaparthala branch of revolutionaries. He was identified on Jail parade of April Ist by P.W. 33, and on Jail parade of April 18th by approvers Amar Singh and Mula Singh. The same persons and P.W. 53 identified him in Court. P.W. 344 failed to identify accused either on Jail parade or in Court, but said the man he was looking for had prominent teeth (which this accused has). On this point we have statement of Mr. Scott, Superintendent of Police (page 28) That at Jail parade the witness Mahtab Rai (P.W. 341) hesitated before two men, saying that he was looking for a man with prominent teeth, and that this accused was hanging back and keeping his mouth shut; and in Court it appeared to us that at the time of identification by Mahtab Rai this accused was keeping his mouth shut, whilst other accused (with the not unnatural desire to help accused) endeavored to display their teeth as they passed the witness.

Approver Amar Singh states that he was introduced to this accused by accused Kartar Singh at Jullundur City Station at the end of November 1914, and that accused was present later on at the discussion in a garden with a Bengali, re bombs, arms, etc. Accused goes to Lahore, and on the witness's return from the wedding at Kapurthala about the middle of December, enquires from witness whether bombs have yet been made?

At Kapurthala, in the presence of the witness and accused Pingle, Kartar Singh, Nidhan Singh and Parmanand II, accused is asked to say definitely whether he wishes to join them, *but pleads that at present he is on security*. However, he arrives at Amritsar on January 14th, and leaves the next day with this approver for Lahore *to rent houses* (page 70). He writes out an agreement to rent house No. 1 in the name of "Jamuna Das" and keeps the receipt for Rs. 19 rent. He helps to select house No. 2, and on January 16th introduces this approver to witness Ram Rakha, Chemist, and then leaves for Kapurthala, being on security. He attends a conspirators meeting (page 77) at house No.1 on February 16th, when it is agreed to distribute literature prior to the intended rising on the 21st. In cross exanination, this approver adhered to his former statement.

Approver Mula Singh states that early in January this accused was sent to him by accused Pingle (being actually brought to him by accused Hardit Singh,) paid him over Rs. 200, and discussed revolutionary matters. (In this connection we may mention that Nawab Khan -page 138-stated that Amar Singh told him in December that the Bengal party wanted Rs. 200 from the Kapurthala party, and that he would go and get it from one Sundar Singh of Simli). Accused suggested blowing up Railway bridges with the help of the Bengali bomb expert, and was rent with approver Amar Singh to change 20 gold dollars, and to hire a house for head-quarters in Lahore. About the middle of January, he hands over to this witness *rent-receipts of two Lahore houses* at accused Naurang Singh's shop, one being in the name of "Jamna Das," whom accused described as "a friend"- after which accused leaves for Kapurthala. Between January 15th and 30th accused meets Rash Behari Bose, whom he knew previously (so this witness thinks but he is not certain), and is sent by Rash Behari to Lahore to fetch "a stranger"- after which accused again (page 99) returns to Kapurthala. About January 29th (the date is fixed with reference to the Mansuran dacoity of the 27th) the accused is given Rs. 15 by the witness to purchase a stove for Rash Behari, to be used in preparing bomb materials. This approver has said that accused was present at Rash Behari's house in Lahore on February 12th when it was decieded to have a National flag, and the 21st was fixed for the rising. It is true, as urged by the Defence, that approver Amar Singh does not mention him as being present on that date. However, Mula Singh was not cross -examined as to why he should have concocted all his story against accused. P.W. 4 has spoken as to the search of accused's

house in Kapurthala on April 6th, 1915, when the copy book exhibit P. 140, was found. P.W. 53, *a teacher* at the Lahore Mission High School, has identified this copy book as one belonging to accused, and it contains certain corrections by the witness himself; he *was a class fellow* of accused in October 1913. However, he makes out that the cannot identify exhibit P. 9 C. (the agreement of 16th January 1915 to lease house No. 1) as being in accused's handwriting, and asserts that he wrote out his statement, exhibit P. 139, at Police dictation. *There seems but little doubt that this witness deliberately attempted to shield this accused.*

P.W. 16 (Deputy Superintendent of Police) states that Mula Singh, in his statement of 12th-14th March, mentioned accused as having accompanied Amar Singh to change 20 gold dollars; and P.W. 17 (Inspector Ahmad Khan) states that Amar Singh told him that accused had introduced him to the witness, Ram Rakha, Chemist, through whom Amar Singh and accused Mathra Singh, absconder ordered certain chemicals (vide exhibit P. 16, 17 A, B, C, 124, 125.)

P.W. 33 is Ram Rakha, Chemist, who accused's old school fellow. He states that at about the beginning of January 1915, the accused, introduced Amar Singh to him, telling him to get what Amar Singh wanted. After that Amar Singh often came with "another man" (the witness hesitated for some time over the photographs of accused Dr. Mathra Singh and another person" and then chose the wrong photograph). Amar Singh and "the other man" came for a certain acid, and paid witness Rs. 25. The witness identified exhibits P. 17 A, B, C, (gallon-jars of an acid) got from the witness, Kilu Ram. Amar Singh also ordered potash (obtained through Messrs. Plomer of Lahore) which was entered in the witness's note-book, exhibit P. 125. Again a large supply of potash. The same witness identified the indent, exhibit P. 16, of January 21st, and admitted that on the 13th March he gave up potash and an acid to the Police accompanied by approver Amar Singh. On a question suggested by some of the accused, this witness further stated that *this accused, when he happened to come to Lahore, usually put up with one Gajju Mul, the father of that Dinanath who was an approver in the Delhi conspiracy case (in which case this accused himself was mentioned).* P.W. 34 (Kilu Mul) corroborates re the sale of the acid to the witness, Ram Rakha, and P.W. 35 (an Assistant at Messrs Plomer's) re the sale of 5 lbs of potash on January 16th, 1915. *P.W. 341 (Mahtab Rai) is the owner of house No.1* — regarding whom we made remarks when discussing

identifications. He speaks of the leasing of house No. 1 on January 16th by Amar Singh and a man who called himself "Jamna Das of Jullundur." We have commented before on the habit of different conspirators of assuming each other's names-and vide the case of accused Jamna Das. Exhibit P.9 C (agreement to lease) and receipts exhibits P. 9 A, B, are the exhibits, and this witness has stated that on January 31st he found the house still empty, and that Amar Singh came and occupied it on February 14th. On the 16th February another month's rent in advance was paid.

Accused's statement is at page 377. He admits having met approver Amar Singh along with accused Kartar Singh, Pingle and Parmanand II in Kapurthala, and says that Pingle whom he did not knew before, called him from his house to meet those persons. He says, however, that this meeting took place "towards the last week in December." Pingle, he says, told him that his name had been mentioned in the Delhi conspiracy case, and asked him whether he were willing to "act for the country" ; but he replied that his name had been mistakenly mentioned, and that he had no sympathy with such work. He has denied most of the allegations of the Prosecution witnesses, has asserted that he does not even know Rash Behari Bose, and has denied that the lease and rent receipts are in his handwriting or that he was the person who rented house No. 1. Questioned as to whether he introduced approver Amar Singh to the witness, Ram Rakha, chemist, the accused replied that on January 10th he happened to be sitting at Ram Rakha's shop, when Amar Singh happened to pass by and greeted him (accused), having met previously in Kapurthala. Accused called him into the shop for a few minutes, but never introduced him to Ram Rakha. Now, Amar Singh was never cross examined as to why he should have tried to twist any evidence so as to get accused into trouble; and no reason has been suggested by the accused himself why that approver or any of the other witnesses should be lying. The accused was particularly questioned why the witness, Ram Rakha, should be giving false evidence against him, and his answer was -"I do not think he gives such evidence against me, or possibly he did not understand the questions properly". Such an answer is worse than useless, and accused did not produce a single witness. *Accused asserted that his name had been taken in the Delhi case, because he had refused to give evidence against Bal Raj, accused in that case, and that he had had no opportunity to clear himself.*

His counsel could urge very little on his behalf. We are told that, as

accused was on security, he could not have seen absent from Kapurthala State for as long as five days, and that Amar Singh concocted his story because accused refused to join the conspirators. Counsel is incorrect in suggesting that, in the spy's statement, to the police, the spy stated that the "21st February" was fixed on the 16th of that month. Since counsel for the defence mentioned the point, we have seen the Police statement in which the spy mentioned that he heard of that date (21st) at meetings on the 14th and 15th. We have other evidence that the "21st" was a date decided on the 12th and discussed on subsequent dates. We see no reason to doubt the evidence regarding the leasing of house No.1, and it is noticeable that the bogus "Jamna Das" gave his address as Jullunder—which place is quite close to Kapurthala. It is true that approver Amar Singh did not mention accused as present at a meeting on February 12th; but, as can be seen at page 75, he did not give any regular list of persons present on that date (principally making mention of Rash Behari), and he was not cross -examined on the point.

We regard this accused as one of the main revolutionists working in the background.

On consideration of the above evidence, we convict accused of offences under section 121 (abetment of waging war) and 121 A of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in December 1915. Prsioner No. 38370.

His Biosketch: Founded first Revolutionary Secret Society at Kapurthala. But in November 1908 joined Bengal Revolutionary Secret Society. Remained closely associated with Rash Bihari Bose and party; was suspected of involvement in Hardings Bomb episode but could not be prosecuted for want of evidence. Joined Ghadr Party in 1914-15. His wife Shrimati Satya Wati used to accompany his fellow Ghadrites, while renting houses at Lahore when the house owners wanted to ensure that only 'family men' were to be accepted as tenants. During his imprisonment in 1926 he wrote a long (political) poem 'Dreamland', the preface of which was written by Bhagat Singh a few weeks before in Martyrdom, in Lahore Central Jail. He had actively participated in Naujwan Bharat Sabha and HSRA. He also insisted on being assigned the task of throwing the Bomb in Delhi Assembly in April 1929 (Ref.: *Revolutionaries in Dialogue — Lala Ram Saran Dass and Shaheed Bhagat Singh,* Edited by Malwinder Jit Singh Waraich, published by Unistar Books Pvt. Ltd., Chandigarh, 2008). — Eds.]

(65) Ram Rakha, son of Hira Singh, Rajput, of Sabasawrana, Police Station Grarh Shankar, Hoshiarpur.

[Absonding. — Eds.]

(66) Rash Behari Bose *alias* Sham Lal, son of Binode Behari Bose, of Fatagore, Chandernagore, also of Subalda, Police Station Raina, Burdwan.

[Absonding. — Eds.]

Rash Behari Bose

(67) Roda Singh, Jat, of Roda, Police Staiton Bagha Purana, District Ferozepore, aged 43.

This accused, who pleaded "No guilty" to the charges framed against him (Page 585), admittedly sailed from Shanghai on the ss. "Mashima Maru", and arrived at Colombo on October 25th, 1914. We have evidence that this ship was one specially chartered by accused Nidhan Singh, — vide P.W. 172, who identified accused in Court as one of the passengers.

Approver Mula Singh identified accused by name in Court merely as a man he had seen at Shanghai, and the chief witness against this accused is Jawala Singh, approver, whose story is as follows:— Accused was one who sailed with the approver and Nidhan Singh's party on the ss. "Mashima Maru", and on that ship there were daily lectures, the "Ghadr" was read out, oaths were taken, and it was agreed to meet at Amritsar and plunder *Tehsils* and *Thanas*, etc. At Penang the ss. "Tosha Maru" was overtaken, and the passengers of both ships, male and female, met in the *Gurdwara*. After arrival in India about the first week in November this witness is sent by accused Nidhan Singh with a message to this accused (page 116) that arms expected from Bengal should be awaited at Mehana Railway Station, and the witness is told by Nidhan Singh at Sri Ram's shop that accused has been sent to learn bomb-making.

Accused comes to Moga and grumbles to Nidhan Singh about the non-fixing of "a pacca date"; suggests looting Police Stations, and is told to get the help of accused Bakhshish Singh and rob the Gidhar-Baha Police Post. Accused starts, and on the way a dacoity is contemplated at Singhanwala, but the idea is given up. The attempt to loot the Police Post is also abandoned, and a project is formed to rob a *Sahukar* of Bhikki (who also has a residence at Bhaini), and accused is sent to reconnoiter his house. Accused and his companions are armed with pistols (presumably, those mentioned by this approver as having been smuggled in false bottomed buckets), but eventually go on to Halwara to approver Nawab Khan to ask his help for a dacoity at Rajoana, and find out from him what the leaders' instructions are. Nawab Khan, however, disapproves of this proposed dacoity, saying that the Badowal meeting is about to take place, when Nidhan Singh himself will be present, and arms will be distributed. (Nawab Khan himself corroborates as to this incident). About November 22nd, accused takes one of the gang who has fever (again, *vide* Nawab Khan) to Ludhiana. Accused is with others of the gang at Ferozepore Cantonment on November 22nd, accused takes one of the gang who has fever (again, vide Nawan Khan) to Ludhiana. Accused is with others of the gang at Ferozepore Cantonment on November 26th, when the project is formed to loot the Moga Treasury (*vide* page 118 — and our remarks elsewhere in this judgement on the Feroz Shah incident. On November 30th accused, in possession of a pistol and in company with this approver, is arrested at Moga Railway Station. In cross-examination, this approver adhered to his statement, and admitted that accused did not accompany him and his companions to Lahore Cantonment. He denied any private enmity against this accused, and was not cross-examined as to any.

Umrao Singh, approver, states that he met accused on the ss. "Mashima Maru", and that accused was one of those who went with accused Nidhan Singh to visit a certain shrine on arrival at Madras. He next meets accused at Ludhiana clock-tower on November 8th in company with Nawab Khan, approver (page 336). Accused visits this witness at Jhabewal on the day of the Badowal meetings, and goes with him to Ludhiana, where they hear that there has been a decision to attack either Lahore or Ferozepore Cantonment — and accused leaves for Moga. This was, of course, just prior to the Feroze Shah incident mentioned by approver Jwala Singh.

P.W. 344 (a Ferozepore Police Constable) and P.W. 351 (a Zaildar tendered, but not cross-examined) were produced in respect of the arrest of this accused at 2 P.M. on November 30th at Moga Railway Station, in company with approver Jwala Singh. On accused were found the pistol and cartridges, exhibit P. 289 A.B. The accused has already been punished by another Court for his possession of these articles.

Accused (page 478) denied most of the allegations against him, but admitted having known approvers Mula Singh and Jwala Singh and accused Nidhan Singh at Shanghai — not as his friends. He denies all Jwala Singh's allegations about his actions prior to the Feroze Shah incident, and his association with the Anarkali murderer. As regards his arrest he asserts that on the day in question he had come from his village to get or buy (the word "wash" in the record in an error) some clothes. He was sitting outside the Railway Station at a *halwai's* shop, when he heard an outery, and went and saw that Jwala Singh, approver, and "Amli" (fellow-passengers on the "Mashima Maru") had been captured. A policeman had a pistol in his hand, which he said had been taken from a dacoit, and accused was arrested on suspicion, because he spoke to the approver and "Amli". Nothing incriminating was found on him, but he was robbed of 25 sovereigns by the Police, and was later sentenced at Ferozepore to 3 years' rigorous imprisonment and Rs. 260 fine for alleged possession of the pistol. This is his story, which we do not believe.

Accused produced D.Ws. 219, 220 and 221 — and *Udasi Fakir*, a *patwari* and *lambardar* of his village. They have spoken as to his good character, and try to make out that he never left his village till he went to buy cloth on the day of his arrest.

Counsel for the Defence has argued that the Feroze Shah case does not concern the present case. We cannot agree with him, and, had accused not missed the train, there is every reason to believe that he would have been present at the Feroze Shah incident. It is urged that Nawab Khan has not identified accused, but it was a gang of persons who interviewed Nawab Khan, and he did corroborate Jawala Singh as to one of the gang having fever. On pages 116 and 337 of the record we find accused mentioned in association with the dangerous criminal Gandha Sigh, absconder.

In short, we see no reason whatever to doubt that accused's guilt and his connection with this conspiracy have been fully established.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war) and 121A

of the Indian Penal Code. We hereby sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans. Died there due to jail atrocities. Date of death not known. — Eds.]

(68) Rulia Singh, son of Jaggat Singh, Jat, of Saraba, Police Station Rak Kot, Distriet Ludhiana, aged 36.

This accused, who pleaded "not guilty" to the charges framed against him (page 587), admittedly returned to India by the ss. "Korea" and "Tosha Maru."

He was identified on Jail parade of April 18th by approvers Amar Singhand Mula Singh (who called him "Rur Singh"). The same approvers identified him in Court, and also approver Nawab Khan, P.W. 375 (as "Rulya"), and P.W. 75 (a Lambardar). Approver Sucha Singh did not point out this accused on Jail parade, but, when questioned by us after he had mentioned him, explained that when he used to see accused previously, the accused used to be shaved and wear his hair cut short. The change in his appearance appears to have also struck P. Ws. 366 and 367.

According to approver Amar Singh who first knew accused at Astoria, this accused, after reaching India, along with the approver and others, got out of the train at Raewind, and proceeded to Mool Chand's Serai in Lahore (page 65). Accused goes to Ludhiana to accompany Nawab Khan's party to Moga and attends a Phagwara meeting and the Moga meeting. He is sent to inform Nawab Khan of the failure of the plan to attack Lahore Cantonment. Accused along with Nawab Khan, visits this approver at the approver's village, Nawanshahr; and it is from him that the approver learns of Nawab Khan's arrest. About the 7th and 9th January. accused leaves Amritsar with Ram Rakha, absconder, and others for 2 abortive dacoities, taking bombs, and about January 10th attends a conspirators' meeting at Sant Gulab Singh's Dharmsala. The cross-examination of this witness (page 85) only served to strengthen his statement against this accused; and no reason was even suggested for his speaking falsely.

Approver Mula Singh mentions accused as present at the Astoria meetings of March and June 1914; and as one of those who decided when the War broke out that the time was come for a revolution. Accused (whom this witness speaks of as "Rur Singh") goes to Portand on August

6th, and on to the Sacremento meeting of August 11th, 1914 (page 91), at which the audience were advised to catch a ship advertised to sail on the 15th. He is mentioned at a conspirators' meeting at the Virpali Dharmsala towards the end of December 1914; and about January 10th is present at Gulab Singh's Dharmsala when accused Nidhan Singh says that chemicals are ready at Jhabewal, but that bomb cases are required. About January 13th, he leaves with Balwant Singh of Sathiala and others for an abortive dacoity at Chabba; and later (page 98) with accused Kartar Singh and others for dacoities in "Ludhiana direction." the party having bombs and pistols. This approver was not even cross-examined.

Approver Nawab Khan, who stated in cross -examination (page 149) that he did not see this accused at Sacremento, has alleged that accused attended the Astoria meeting in May 1913,and subscribed, and was one of those who visited Har Dyal at the Hindu Hotel there. On August 29th the witness meets him at the "Yugantar Ashram", when the witness is asked to embark on the "Korea" without money or clothes as he is "going to lay down his life." Accused becomes one of this approver's revolutionary group (page 129). On November 3rd (page 133), the accused meets this approver at Ludhiana Station, and tells him that accused Jagat Ram wants to meet him at Jullundur City Station on November 4th. On November 7th, he visits the witness's village, and tells him of a meeting between Amar Singh and accused Kartar Singh. About November 24th, the witness visits accused and Amar Singh at Soraba, and tells them to be at Ludhiana Station on the 25th; and on that date accused is sent by the witness to Lahore with a message to accused Kartar Singh, after the failure of the plan to attack Lahore Cantonment, being told to enquire for Kartar Singh as "Naurang Singh" at the Hindu Hotel. Accused is sent by Kartar Singh on November 26th to the witness at Ludhiana re the postponement of the Lahore Cantonment plan, and is sent back to Kartar Singh with a message to him to meet the witness at Jagraon on the 27th. On about December 2nd, accused acts as a messenger for accused Kartar Singh and Nidhan Singh, and is left by the witness to bring those two persons on from Ludhiana Station to Baring village. On December 10th, accused meets witness at Phagwara and next day leaves with others to dacoit a Brahman of Bhainwal (vide accused Nand Singh's confession). The dacoity, however, fails, and it is arranged to meet at Chaheru on the 19th, and attack a Military Bridge Guard (page 140), accused being sent by accused Kartar Singh to inform Amar Singh and Ram Rakha, absconder

(who are expected back from Kapurthala) of this. Lastly, this witness says that Nand Singh accused, told him on February 18th (page141) that this accused was one of the Mansuran dacoits; but we have no really good evidence to prove this. Now, this approver's statement is a very detailed one, with scarcely a question asked in cross-examination.

Approver Sucha Singh, who says he knew accused as "Ralya" mentions him at pages 272, 273 of the record in company with the Anarkali murderer and others; and implicates him as a Sahnewal dacoit. (In that dacoity, Khushi Ram was murdered).

Approver Umrao Singh states that he first met accused at Fowler; that accused attended the Fresno meeting of August 9th or 16th, and was at Stockton ready to sail on the 29th; and that he met him at the "Ghadr" Press before sailing (page 334). At page 338, he gives this accused's name as one of those mentioned by accused Balwant Singh just after the Sahnewal dacoity as having taken part in it. P.W. 17, Inspector Ahmad Khan, cannot recollect whether Amar Singh mentioned accused as having stayed at Mul Chand's Serai; but the witness verified this among the 13 names entered in the Serai Register (exhibit P. 127-entry No. 945 of October 31st, 1914). P.W. 75, a Lambardar of accused's village, has stated that accused left the village from time to time and lived with a returned emigrant there. Also, that accused had emigrant visitors, including Nawab Khan,who came 2 or 3 times P.W. 366 (of Halwara) thinks that accused was one of three Sikhs who visited approver Nawab Khan 5 or 6 days after his return from America. Nawab Khan, however, had gone to Ludhiana; and the witness was sent to Litran well to tell them to meet Nawab Khan at Sikhana. P.W. 267 is a man of Sikhana, who speaks of three Sikhs (including one called "Rulya Singh of Soraba") coming to meet Nawab Khan. P.W. 375 is a fakir of Ludhiana who pointed out this accused in Court as "Rulya" ; who visited Nawab Khan at the witness's Takkia. In addition to the above evidence, we have this accused mentioned at pages 415 and 416 of the record in accused Nand Singh's confession-and this goes to corroborate approver Nawab Khan's statement re the abortive attempt at a dacoity at Bhinwal.

Accused in his statement (page 441) said that he returned to India, because his wife and children had died of plague (this he did not attempt to prove), and because work had stopped on account of the War. He denied most of the allegations of the prosecution witnesses, including the allegation that he had seen Har Dyal. He denied going to Mool Chand's Serai, and

admits going on one occasion to Nawab Khan at Halwara, "to ask him to repay a loan lent in America." Not a single question regarding this alleged loan was asked of Nawab Khan in cross-examination. Accused denied attending meetings in India and stated that on his arrival from America he was too ill from venereal disease even to walk. He denied taking part in any dacoity or attempts at dacoities, including Bhinwal. He asserted that Nawab Khan had quarrelled with him about the loan; but made no attempt to prove this, nor to cross-examine him on the point. He says he has not been to Amritsar for 18 or 19 years. He asserts that he does not even know approver Sucha Singh, but suggests no reason why Sucha Singh should have given false evidence. He was arrested, he says, in Sidduan near Jagraon, where he had gone to get medicine from a Sadh, and only once or twice left his village to get medicine. He had no emigrant visitors, but their relations sometimes came to make enquiries. He denied having taken part in the Sahnewal dacoity of January 23rd, 1915.

The defence witnesses are D.Ws. 120 to 134 inclusive. Major Ward (Superintendent, Lahore Central Jail) and the Sub-Assistant Surgeon of Campbellpur Jail give evidence that accused is even now suffering from Syphilis of several months standing; but it seems clear enough that he was not unable to walk or run. Two witnesses of accused's own village have tried to make out that accused was too ill from syphilis to be able to get about at all; but their statements are discounted by the evidence of D.Ws. 131 and 132. These two last witnesses also give evidence tending to show the difference in accused's appearance according as he wears moustaches or a beard.

Really, the only point of any importance advanced by accused's counsel in argument was that Dalip Singh (the approver who died of cholera during this trial) did not identify accused on Jail parade as a Sahnewal dacoit, though Dalip Singh himself was in that dacoity. The prosecution suggest that, though accused was in that dacoity, his disease (we have mention of " a bad throat" by approver Sucha Singh) may have prevented his taking part in the Mansuran dacoity 4 days after Sahnewal.

The prosecution also suggest that accused Nand Singh, when he mentioned accused to Nawab Khan as a Mansuran dacoit, may have been talking somewhat at random. Nand Singh was not himself was in that dacoity. As against the point, therefore, that Dalip Singh, deceased, did not identify accused on Jail parade, we have the evidence of Mula Singh that accused, along with Kartar Singh and others started in "Ludhiana

direction" (we have held elsewhere in this judgment that that gang engaged in the Sahnewal and Mansuran dacoities); the evidence of approver Sucha Singh that accused was one of those who actually started for the Sahnewal dacoity; and the evidence of approver Umrao Singh that accused Balwant Singh, soon after that dacoity, named accused as one of those who had taken part in it. In our opinion, there is every reason to believe that this accused was one of the Sahnewal dacoits; and of his connection with this conspiracy there can be no doubt whatever.

On consideration of the above evidence, we confict this accused of offences under sections 121 (abetment of waging war), and 121 A of the Indian Penal Code. We hereby sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in October 1915. Prisoner No. 38369. Died in the Cellular jail on 1.9.1918 due to jail atrocities. — Eds.]

(69) Sawan Singh, son of Khushal Singh of Chabba, Police Station, Saddar, Amritsar, aged 45.

This accused, who pleaded "Not guilty" to charges framed against him page 589), is an inhabitant of Chabba village, where Beli Ram was murdered in the dacoity which took place there on February 2nd, 1915. The bulk of the prosecutions witnesses who testify against accused are, of course, persons of his village who know him well.

Approver Mula Singh did not mention this accused by name, but he has told us that accused Wasawa Singh (who is alleged to have abetted the Chabba dacoity) had said that he had got the assistance of "a man of Chabba".

Approver Udham Singh (himself a Chabba dacoit) states that he met accused at the house of accused Bakshish Singh shortly before the Chabba dacoity, and that at Bakshish Singh's well, this accused along with Bakshish Singh and Surain Singh said that Beli Ram "must be killed". This accused guides the dacoits to Beli Ram's house; is one of the four person who actually murdered Beli Ram; himself receives injuries from a bomb; and receives Rs 2 out of the loot(page 233) to enable him "to eat ghi and get himself treated."

P.W. 16 (Liaqat Hayat), Deputy Superintendent of Police states that on February 3rd Kala Singh, accused (who had been captured by the Chabba

villagers) implicates accused as a Chabba dacoit. Accused had been hurt by a bomb, and the villagers asserted that he had been on the side of the dacoits. Accused is accordingly arrested on the 4th or 5th of February. P.W. 122 (Sub Inspector, Kesri Chand) has told us how, in the report (exhibit P.W. 166) accused was shown as wounded villager, because Bhagwan Das (servant of Bhagwan, P.W. 137) and Hira, chaukidar, who came to make the 1st report, said someone had told them so. However, on the spot accused's co-villagers denied — the notes of two of the Commissioners show that accused Kala Singh identified this accused. P.W. 123 (Buta Singh, lambardar of Chabba) states the accused was not present along with the other wounded villagers after the dacoity, and has denied that he any enmity with accused.

P.W. 124 (Gurbaksh Singh, zaildar) states that on February 9th, accused Bakshish Singh implicated this accused as a Chabba dacoit- the witness entered names mentioned to him in a pocket -book. P.W. 136 is the Chabba chaukidar who went to make the Ist report, and he explains that accused was mentioned as "a wounded villager", on information given by accused's brother, accused had been injured.

P.W. 137 (Bhagwan Das, nephew of the murdered Beli Ram) states that Bhagwan Das, who went with the chaukidar to make the first report, is not now on service, and he does not know his whereabouts. He heard nothing of accused's injuries until the morning when the Police arrived. P.Ws. 143 to 150 inclusive are Chabba villagers, some of whom were very seriously injured by the dacoits, and they unite in saying that on the night of the dacoity this accused was with the dacoits No reason has been given as to why these witnesses should have united to implicate a co-villager as having been on the side of the dacoits? P.Ws. 138 and 141 are Beli Ram's widow and who give evidence that accused is related to No. 76, Surain Singh, that there was enmity with Beli Ram over money matters.

P.W. 191 (Colonel Sumith, Civil Surgeon, Amritsar) examined accused on evening of February 3rd, and describes his injuries — "deep cut on the arm; 10 superficial wounds; legs and loins charred; all caused by a bomb".

Accused's **statement** will be found at page 400. He asserts that he was hit by a bomb when helping his co-villagers against the dacoits; and that witnesses testify against him, because he gave evidence against Buta Singh, sardar, in a civil suit. He admits that his brother got him reported as "a bad villager"; admits that he is connected by marriage with Surain Singh and

says that he did not owe Beli Ram money, and "does not know whether Surain Singh did; and asserts that, after receiving his injuries he walked to his own house. He suggests that as it was a dark night the lambardars may have failed to see him; and that only the names of some of the injured villagers became known that night. The four Defence witnesses (D.Ws. 22 to 25 inclusive) are utterly unconvincing. They include 2 lambardars and accused's brother (who says he helped to carry accused to his house). D.W. 23, admittendly, did not see accused that night, and they can give no satisfactory explanation as to why the police were not informed that accused had been on the side of his co-villagers. The brother had to admit that Beli Ram "was owed money by our uncle, which we had to pay".

The only point, really, which accused's counsel could urge on behalf of his client was that approver Udham Singh did not identify accused on Jail parade; but no suggestion whatever has been made as to why Udham Singh should have been falsely implicating him. Had there been any wish to concoct a false case, nothing would have been simpler than to have got Mula Singh to implicate him by name.

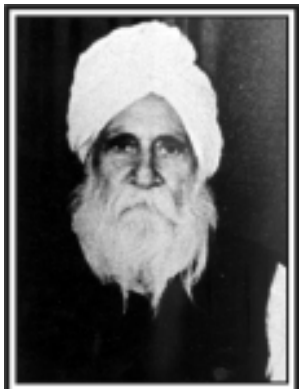
In short, we have no doubt whatever that this accused deliberately took part in the Chabba dacoity; and was one of the actual murderers of Beli Ram. We have also held elsewhere that this dacoity was in furtherance of the aims of the conspirators.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war) and 121 A of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in December 1915. Prisoner No. 38368. — Eds.]

(70) Sajjan Singh, son of Mihan Singh, of Narangwal, Police Station Dehlon, District Ludhiana.

[Absconded, but was arrested in June 1915 sent up for trial in the Supplementasry Lahore Conspiracy Case and sentenced to transportation for life. — Eds.]



Sajjan Singh

(71) Sewa Singh son of Gajjo, of Lohatbadi, Nabha State.

[Absconding. — Eds.]

(72) Shiv Singh, son of Munshi, *Jat*, of Kotla, Police Station Hariana, District Hoshiarpur, aged 29.

Shiv Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 391), admittedly returned to India by the ss. "Korea" and "Tosha Maru", and arrived at Calcutta on October 29th, 1914. He belongs to the same village as accused Harnam Singh *Tunda*; and was interned on March 5th, 1915.

He was identified on Jail parade of April 18th by approver Amar Singh, and on Jail parade of April 24th by approver Jawala Singh; and in Court by those persons, and approvers Nawab Khan and Mula Singh and P.W. (a *Lambardar* of accused's village).

Approver Amar Singh mentions this accused (page 61) as one of those present at Har Dyal's meeting at Bridal Veil; and as one of those (page 63) who agreed to return to India for a revolution. He mentions him as present at the Portland and Sacremento meetings in August 1914. At page 65, he says that accused got out of the special train at Raewind, and accompanied him and the Anarkali murderer and others to Mool Chand's *Sarai* in Lahore. Later on, he informs the witness of accused Jagat Ram's arrival.

Neither approver Nawab Khan nor approver Mula Singh could name this accused. The former said that accused was one of the *Ghadr* party (page 125) who sailed, but that he never saw him after landing in India; and the later that he had seen him at Portland or Astoria, but not in India until he saw him in Court.

Approver Jwala Singh only stated that he had seen accused at Badowal, and approver Umrao Singh that he met accused at Stockton at the end of August 1914, "talking revolution" and ready to sail, and that he met him at the "Ghadr Press" on August 28th, 1914. P.W. 54 (a Sub-Inspector) states that accused arrived in his village Kotla on November 2nd, 1914; was not restricted or interned at first; and was frequently absent from the village. P.W. 55 (*Lambardar* of Kotla), who states that

accused was arrested in January, says that accused only left the village 2 or 3 times to visit relations, and never again after the witness had warned him against so doing.

Accused in his statement (page 364) said that he went to America some 9 years ago, and returned because his wife had died, and his father wanted him to marry again. He was at Bridal Veil, "but there was no meeting there"; nor was he a member of the "Hindi" or "Hindustani" Association. He heard no seditious lectures on the ship. He might have seen accused Indar Singh, *Granthi*, on the ship, but did not know his name. He asserted that, if Indar Singh, *Granthi*, named him in his confession as a prominent member of the American *Ghadr* party (vide page 385 of the record), the allegation was false. He never saw approver Umrao Singh till in Court, nor did Amar Singh meet him. He never went to Mool Chand's *Serai*, but "stopped at the station". He never knew accused Jagat Ram, though he might have seen him on the ship; and accused Harnam Singh, *Tunda*, he only once met at Bridal Veil. He once left his village on a visit to Hoshiarpur to see the Mandi fair, and again when his father-in-law died.

He produced Defence witnesses 38 to 45 inclusive. These include some persons of respectable position, who give accused a good character, and support his story as to the reason for his return and his reasons for leaving his village. However, as he was not restricted on his return, he had a perfect right to leave his village whenever he chose.

As regards the arguments of his counsel, we have no evidence to prove that accused had originally intended sailing by an earlier ship; but it is true that he does not appear to have attended meetings in India. Jwala Singh, who identified accused as a man he had seen at Badowal, has not stated anywhere that accused was present at the meeting there. Though, having regard to the rest of the evidence, it is quite probable that accused is the "Sheo Singh" mentioned in Indar Singh Granthi's confession; this is, after all, only conjecture, and we cannot go on mere probabilities. Amar Singh has not mentioned him as on the "Ghadr" Press. It also appears to be correct that this accused from November 2nd (when he reached his village) until January 1915 (when he was apparently arrested) did nothing, or practically nothing, in furtherance of any conspiracy. In fact, all that he is alleged to have done in India is to have informed Amar Singh of Jagat Ram's arrival and to have been seen at Badowal.

We see no reason to doubt his connection with the conspiracy prior to his arrival in India; but we are not prepared to accept the argument of counsel for the crown that we must hold that accused was "one of those men who was waiting to be called in for the projected rising".

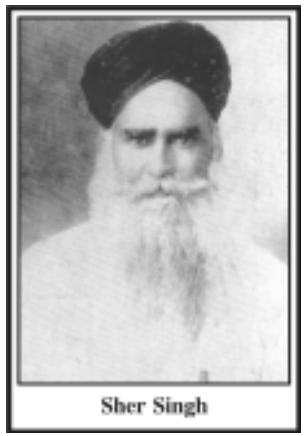
Again, if he really were a man of importance in America, how is it that certain approvers do not know his name ? — and how is it that he, apparently, became of practically no importance after his arrival in India?

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war) and 121A of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

However, considering that accused apparently took no further part in the conspiracy in India, from which we may assume that he possibly repented his previous action, we wish to add a strong recommendation to mercy. — Ten years. Case to be reconsidered after 4 years, in 1920.

[Deported to Andemans in October 1929. Prisoner No. 38505. — Eds.]

(73) Sher Singh, son of Kesar Singh, *Jat*, of Ween Poin, Police Station Tarn Taran, District Amritsar, aged 32.


Sher Singh

This accused, who pleaded "Not guilty", to the charges framed against him (page 593), has stated (page 455) that the sailed from Canada in August 1914 with 36 ordinary Indian passengers by the ss. "Canada Maru." He admittedly came on to India from Hong Kong on board the ss. "Tosha Maru", and we find that, on arrival at Calcutta, he was arrested and interned in Montgomery Jail and was taken thence to Campbellpore Jail.

He was identified on Jail parade of April 18th by approver Amar Singh and the Police spy, and on Jail parade of April 24th by approver Jwala Singh. Approver Nawab Khan did not attend Jail parades, and P.W. 303 wrongly pointed him out as a Mansuran dacoit. In court he was identified by approvers Amar Singh, Nawab Khan and Jawala

Singh, by the Police spy (not by name), and by P.Ws. 172, 362, 379 (who first mistakenly pointed out accused Jowala Singh), 380, 381 and 383 (by name).

Approver Amar Singh (page 64) simply speaks of accused as having came from Canada; and as being "one of our Party" on board the "Tosha Maru."

Approver Nawab Khan, who in cross-examination, says that he met accused in Vancouver in 1911, and in re-examination says that he was mistaken in first saying that accused was one of those who landed with him at Kobe, states that accused arrived at Hong Kong from Vancouver at the head of some 30 revolutionaries (page 128), and was made a member of the Central Committee formed at Hong Kong. According to this approver, accused was one of those who, at Singapore, attempted to tamper with troops, and at Penang was one of the party sent to enquire about rifles in Police Stations. He was one of the deputation to the Governor; and at Rangoon was prevented by a *Subadar* from making a speech at the *gurdwara*. In cross-examination (page 147) this witness stated that he *heard* from accused Jagat Ram that he had made over a revolver or pistol to this accused at Calcutta, and that it had probably been found on accused when he was interned; but we have no proof of this. Approver Jwala Singh merely alleged that he had met accused at a *gurdwara* on the voyage, and that he had formerly been in the Police; and similarly, approver Umrao Singh (page 336) said that he met accused at the Hong Kong *gurdwara*. P.W. 172 stated that he sailed with accused from Canada to Shanghai. P.W. 362 (from Canada states that accused recited verses of his own at a seditious meeting at Hong Kong *gurdwara*; was one of the leaders who made seditious speeches on the "Tosha Maru"; and corroborates that accused attempted to tamper with at Singapore.

P.Ws. 379, 380, 381, 383 mention accused as a prominent seditionist on board the "Tosha Maru".

P.W. 195 (Amir Ali, Inspector, C.I.D.) states that he saw accused in Multan Jail on November 10th, 1914; and that the leaflet, exhibit P. 205, was found in a coat in accused's box; and that accused did not deny that it belonged to him. The *fard baramdagi* is exhibit D. 7; and the leaflet (*re* the Release of Tilak) exhibit P. 205 forms a special issue of the "Ghadr" of July 1st, 1914; and has been discussed elsewhere in this judgment.

Accused in his statement (page 455) said that he returned to India

because employment had stopped, and because he received many letters saying he ought to return and get married. He denied the various allegations against him, said that he was only in Singapore city for 2 hours, and that he did not even know accused Jagat Ram's name till he saw him in Jail. The leaflet was not found with him, nor did he ever read it. Accused has offered no suggestion why the 'Tosha Maru" witnesses (P.W. 362, etc.) should have been anxious to implicate him falsely; but, at the end of his statement he has given reasons why Nawab Khan should have wished to implicate him falsely. We, of course, appreciate the fact that the accused could not produce witnesses from Canada to support this story; but why was not this approver cross-examined with respect to it? Accused admitted spending one night at Hong Kong *gurdwara*, and 4 with a policeman (having been himself in the Police); and endeavoured to make out that, after his arrival in Jail, the "Tilak" leaflet had been smuggled into his copy of the *Granth Sahib*, which had been taken from his baggage by the Police or Jail officials.

Accused produced two Defence witnesses, Nos. 202 and 203 (a *Sadh* of his village and his brother). They support accused's story that he was re-called in order to get married; and we have also certain letters (apparently, quite genuine) from accused to his brother — exhibits D. 17 A to E. They speak of accused's intended return to India, and contain certain religious admonitions as well. Two have envelopes, and one bears a head-print of a Vancouver view. Their dates appear to be March and April 1912 and May 1913.

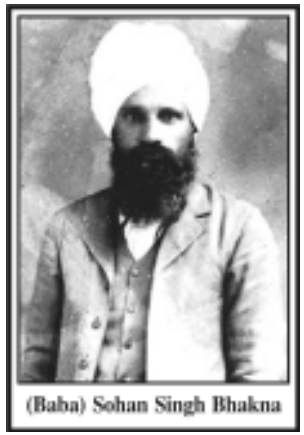
Accused's counsel has urged that there was "no conspiracy in Canada"; and that there is nothing noticeable about accused's selecting August 1914 for his return. He has asked why the "Tilak" leaflet was not found either at Hong Kong or Calcutta; but it could have been easily concealed; and, no doubt, the searches were mainly for arms. We are not prepared to believe that the leaflet was deliberately foisted on accused by the Police or anyone else; and Nawab Khan was not cross-examined as to the alleged reasons for enmity. If there had been any desire to concoct a case against accused, we should have expected to find other approvers with stories against him.

We see no reason to doubt this accused's connection with this conspiracy prior to his internment. Our remarks regarding interned accused, made in the separate case of accused Jwala Singh and elsewhere in this judgment, will apply to this accused also.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 124A of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in October 1915. Prisoner No. 38509. Died on 28.3.1966 — Eds.]

(74) Sohan Singh, son of Karam Singh, Jat, of Bhakna, Police Station Gahrinda, District Amritsar, aged 50.


(Baba) Sohan Singh Bhakna

(Baba) Sohan Singh Bhakna

This accused, who pleaded "Not guilty" to the charges framed against him (page 595), admittedly returned from Hong Kong on the ss. "Nam Sang", and was interned on arrival at Calcutta. Our general remarks regarding interned accused in the case of accused Jowala Singh and elsewhere in this judgment will apply to this accused also. We take into consideration the fact that accused was unable to produce witnesses from America. He produced no others.

According to the evidence of Mr. Slattery (P.W. 354) Superintendent of Police, Criminal Investigation Department, accused reached Calcutta on the "Nam Sang" on October 13th in company with absconding accused Jawand Singh and accused Nand Singh; and we shall have to refer later to Nand Singh's confession.

He was identified on Jail parade of 18th April by approvers Amar Singh and Mula Singh, and in Court by those 2 persons, Nawab Khan, approver, the Police spy (who only said that he knew accused before he went to America), and P.W. 172 (who stated that he had known accused in Portland 4 or 5 years ago, and that then he wore no beard).

Approver Amar Singh merely mentions accused at Linton Mills,

and says he attended Har Dyal's meeting at St. John in May 1913.

Approver Mula Singh first meets this accused at *Linton Saw Mill* about the end of November 1913. He says that accused was President of the Indian Revolutionary Party in Oregon State; that he (accused) gave him an *Urdu copy of the first issue of the "Ghadr" newspaper*, telling him that it was edited in San Francisco by Har Dyal, who was the General Secretary of seditious societies (page 90). He says accused instilled into him revolutionary ideas. To continue this approver's story:— Accused attends an Astoria meeting in March 1914, is deputed to start a revolutionary society in Stockton and elsewhere in California, addresses a meeting at Astoria on June 21st, 1914, and sends a letter from San Francisco to say that he is going to Japan to meet the "Komagata Maru" passengers, thence to Hong Kong and elsewhere to start societies, and on to India to start a revolution. There was scarcely any cross-examination of this witness; and all he could say that he could not recollect from whom he heard that accused was President of the Oregon seditious society.

Approver Nawab Khan corroborates that accused came with Har Dyal to Astoria in May 1913. Accused is elected President of the Fund Committee (specially representing Bridal Veil), and assists at the Executive Committee meeting in forming the "Hindi Association of the Pacific Coast', with a Press to be called the "Yugantar Ashram", to print the new-named "Ghadr" newspaper, and translate Savarkar's book on the Mutiny into Urdu. After this Committee meeting, accused leaves for St. John and Portland. As President of the Hindi Association, accused visits this witness at Upland (California) to try and get him into the "Ghadr" fold, mentioning the Cawnpore Mosque incident, etc; and gets *Maulvi Abdulla, Malgani,* to exert his influence to the same end. It was at Upland, in June or July 1914, that this witness last saw accused; but he further states (page 140) that about *December 14th, on the way from Jandiala to Lahore, accused Kartar Singh told him that this accused had been sent by the "Yugantar Ashram" with 100 pistols and cartridges to Gurdit Singh of the "Komagata Maru", which had been duly delivered.* There was practically no cross- examination of this approver (vide page 143). P.W. 193 (Assistant Jailor, Multan) gives evidence in respect of his conversations during November 1914 with this accused, the notes on which were sent to Inspector Abdul Aziz (C.I.D.). The exhibits are P. 204 A.B. — the first of which was dictated by the witness to the Jailor; the second being in witness's own writing. These exhibits have been

discussed in another portion of this judgment; and they throw a very clear light on the ideas and aims of this accused, who even tried to enlist the Assistant Jailor on his side. It is clear enough from the contents of these documents that they could not have been concocted at the time by the witness or any one else.

P.W. 195 (Inspector Amir Ali) tells us that approver Mula Singh mentioned this accused in connection with America, and says that he saw him in jail in December and in November also along with the Deputy Superintendent of Police and Sukha Singh. *He did not tell the Jailor to get accused to make disclosures, nor were threats used to accused's mother.* We have already mentioned that this accused reached India by the same ship as Nand Singh, and we find him mentioned in Nand Singh's confession(page 409) Nand Singh no doubt, was mistaken in speaking of him as the Editor of the "Ghadr", but further down the same page he says (showing the real extent of his knowledge) "I heard that Sohan Singh and Kartar Singh worked under Har Dyal, whose name was given in the paper as the publisher".

Accused in his statement (page 468) denied most of the allegations of the prosecution witnesses; but admitted having been President of the "Hindustani Association" of Portland (the seditious nature of which society has been elsewhere discussed). He admits having gone to Upland on April 15th, 1914, to try and affect a compromise between Hindus and Muhammadans in respect of a quarrel about the cutting of wages engineered (he says) by Nawab Khan. As he did not know Nawab Khan, he took Maulvi Abdulla Malgani to assist. Questioned as to certain American meetings (the dates of which we took from the "Ghadr" newspaper) accused only admitted having attended the Portland meeting of June 1913. At the end of his statement. he gives us his own version of the aims and objects of the "Hindustani Association", and admits that in June 1913, Har Dyal, as being a well-known lecturer, was invited to Portland, where he lectured on "socialistic subjects". That was the only occasion on which accused met Har Dyal. In November 1913, a member of the association read out a copy of the "Ghadr"; but accused, as President, forbade the reading of such papers and discussions upon them. He tells us that he also had a quarrel at Linton with approver Mula Singh about the cutting of wages— but the question naturally arises, why were Nawab Khan and Mula Singh not cross-examined specifically about these matters?

Accused denies having any conversations with the Assistant Jailor. He says that he left America on July 21st, 1914, and reached Yokohama on August 8th, 1914. He was obliged to break his journey in Japan, as his health would not stand a long continuous journey to India; and he left Japan on August 16th.

We are in no way convinced by his story, and we consider that his connection with this conspiracy prior to his internment has been fully established. That he retained his perverted ideas after his internment is shown by his conversations with the Assistant Jailor. His Counsel has urged that no seditious literature was found with accused; but we have evidence of seditious literature being thrown overboard on the voyage and otherwise got rid of. It has been urged that there is no proof that the "Komagata Maru" passengers had 100 pistols (but we know that they had pistols); and that there is no proof as to where those pistols were purchased (how could there be?). Though accused himself stated that he had "never held any conversation" with the Assistant Jailor, has Counsel in arguments stated -"we admit we had some conversations"; and has tried to make out that the exhibits P. 204 A.B. are pure concoctions ("A" being undated, and "B" bearing dates of 12th-15 th November 1914). He mentioned a reference therein to "appeals in the Delhi conspiracy case"; and urges that appeals in that case were not filed until the end of November at the earliest -but there would be nothing extraordinary about accused's anticipating that appeals would naturally be filed. How could this Jailor have invented remarks about Germany as a training-school for youth and the "Turkish Parliament", etc, in November 1914? (Shahid Bhagat Singh's remark on this issue: "ridiculous" — Eds.) The arguments of Counsel for the defence have quite failed to convince us.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 124 A of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

[Sohan Singh Bhakna (04.01.1870-21.12.1968) — Deported to Andemans in December 1915. Prisoner No. 38367. Went to U.S.A. in April 1909. Became President of Ghadr Party in March 1913. Shifted to Yugantar Ashram in April 1914. Arrived on 14 October 1914 at Calcutta and interned.

Released 21 July 1930. Joined Shahid Bhagat Singh in his hunger strike in Lahore Central Jail during July-August 1929. Presided over All India Kisan Sabha Session at his village in 1943. Took active part in Naujwan Bharat Sabha, Kirti Party, and Communist Party. Underwent 26 years of jail detention in his life. Wrote extensively during last 2-3 years of his life, including his autobiography, "Jeewan Sangram". All these writings were translated and published by Prof. Waraich — Eds.]

(75) Surain Singh, son of Bur Singh, Jat of Gilwali, Police Station Amritsar, aged 45.

Surain Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 597), is alleged to have been one of the Chabba dacoits; and one of the actual murderers of Beli Ram.

He was identified on Jail parade of April 18th by approvers Udham Singh and Mula Singh; and in Court by those persons, and P.Ws 123, 151, 152, 153, 154 and 183.

Approver Udham Singh first meets accused, along with accused Surain Singh (No. 76), about January 2nd, 1915, when Wasawa Singh suggests the Chabba dacoity. About January 29th, accused visits the witness to ask him to bring men for the Chabba dacoity. He comes to the well of accused Bakshish Singh shortly before the dacoity, and along with Bakshish Singh, the other Surain Singh (of his own village) and Sawan Singh, says that Beli Ram must be killed. He is one of the actual murderers of Beli Ram, and along with Bakshish Singh burns some bonds.

Approver Mula Singh mentions accused as with accused Wasawa Singh at Gulab Singh's dharmsala when the latter suggested a dacoity at Chabba (page 97).

From P.W. 16 (Deputy Superintendent of Police) we learn (page 15) that on February 3rd (the day following the Chabba dacoity) the accused Kala Singh who had been captured by the villagers, implicated this accused, who was found absent from Gilwali, but was found at his

well. Exhibits P. 75-76 A. B. are accused's bloodstained pagri and kurta. The witness was told of disputes between accused and the murdered Beli Ram over money matters, and verified the fact that Beli Ram had had accused put on security. He also learnt that accused was a great friend of accused Surain Singh (No. 76). On February 6th, this accused implicated Mula Singh, and gave the names of other dacoits. Exhbit P. 91 is the record of the aforementioned proceedings under section 107, Criminal Procedure Code, which shows clearly that at the time of the Chabba dacoity the term for which accused had been placed on security was just about to expire.

P.W. 123 (Lambardar of Chabba) corroborates that accused Kala Singh implicated accused, and that accused was brought in from Gilwali (a mile distant), with the bloodstained clothes, exhibits P. 76 A. B. P W. 124, Zaildar Gurbaksh Singh states that accused Bakshish Singh also implicated this accused. In cross-exmination this witness stated that Zaildar Pal Singh also took part. In cross-examination this witness stated that Zaildar Pal Singh also took part in the investigation, but the witness was not himself cross-examined as to any enmity. P.W. 129 (Head-Constable) took the bloodstained clothes, removed from accused's person at Gilwali by the Deputy Superintendent of Police, to the Chemical Examiner.

P.W. 141 (son of Beli Ram) states that his deceased father had monetary dealings with accused, and also suits and security proceedings.

P.W. 151 Patwari of Chabba, saw accused in Amritsar on January 18th, and asked him whether he had repaid Beli Ram Rs. 1,750, which amount the witness and another Patwari had settled in place of a debt of Rs. 2,400. One of the Sikhs with accused then remarked that "Beli Ram would be paid in full within a week". P.Ws. 152 and 153 are as to accused's visit, along with 7 others to accused Bakshish Singh's well 15 days before the Chabba dacoity. The visitors made out they were on their way to the Amawas fair; and the witnesses explain how they were got out of the way on some pretext. P.W. 154 is Parwari of Gilwali (accused's village), who was present when the Deputy Superintendent of Police arrested accused. He told that officer of a quarrel between Beli Ram and accused over the Rs. 1,750 three days prior to the dacoity. The witness states that accused offered to mortgage land and pay and that the dispute ended in a friendly manner. He, however, admits that nothing came of accused's attempt to raise money from Kesar Singh, Subadar.

P.W. 183 testified to accused's consulting with approver Udham Singh (who himself took part in this dacoity) about the dacoity, and also enquiring about accused Prem Singh, absconder. P.W. 195 (Inspector Amir Ali) gives evidences re the cases with Beli Ram (exhibits P. 208-208 A.M.)

Accused in his **statement** (page 401) denied most of the allegations against him, and denied that the bloodstained clothes were his. He admitted having had many cases with Beli Ram; that he had been put on security; and that Beli Ram had accepted his offer to pay Rs. 1,750 in place of Rs. 2,400, which the Patwari had witnessed. He assreted that he had many criminal cases with accused Wasawa Singh, so could not have associated with him. He admits that his clothes were taken from Gilwali to Chabba, and says that a false story was concocted in the latter place. He asserts that the witness Gurbaksh Singh, Zaildar (who was not cross- examined as to enmity), Pal Singh, Zaildar, and Buta Singh, Zaildar, are all of them his enemies. Also, that Udham Singh, approver, got a relation of his punished. He says that Beli Ram got his brother's vacant site attached, and that he had "arranged a loan" from Kesar Singh to pay off his debts.

This last assertion is contradicted by D.W. 75 (Kesar Singh, a pensioned Subadar Major), who tells us clearly that nothing came of the attempt to raise a loan. D.W. 76, a distant relation of accused, states that on the night of the dacoity, he and accused and Jetu, chuhra (not produced) were working at a well. He attempts to support accused's assertions of enmity with accused Wasawa Singh, and the Zaildars Gurbaksh Singh and Pal Singh. This witness, in cross-examination, denied that he was nephew of this accused; but admitted that he and accused were together in a case about the theft of a mare.

Accused's counsel has asked what reason there was for burning Beli Ram's bonds? — but surely, this is a common practice in dacoities. He has referred us to certain records of cases, in support of vague assertions regarding the enmity of Gurbaksh Singh and Udham Singh, approver- but why were those witnesses not cross-examined when in Court? The only question asked of Udham Singh elicited the answer that he "did not know the Gilwali people before". Reference is made to 2 Criminal cases in which Zaildar Pal Singh was concerned; but there is nothing to support the suggestion that "he instigated Gurbaksh Singh and others."

In short, we see no reason to doubt that this accused joined in the

dacoity for his own private ends, and was one of the actual murderers of Beli Ram. We have also held the Chabba dacoity was undertaken to get funds in aid of the conspiracy *(the loot was not shared out among the dacoits)*, and that the participants in that dacoity were cognizant of this.

On consideration of the above evidence, we convict this accused of offences under section 121 (abetment of waging war), 121 A and 396 of the Indian Penal Code. We sentence him to he hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

(76) Surain Singh, son of Isher Singh, Jat, of Gilwali, Police Station Amritsar, aged 25.

(76) Surain Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 599), is alleged to be another of the Chabba dacoits, and one of the actual murderers of Beli Ram in the course of that dacoity. The case as regards him is very similar to that of his co-villager, Surain Singh, accused No. 75. This accused's father is a lambardar of Gilwali. He was arrested 6 days after the dacoity.

Approver Udham Singh tells us (page 228) that he met accused towards the end of December 1914 at the house of accused Wasawa Singh of Gilwali, when a talk took place about bombs and dacoities About January 2nd, the witness meets him in company with Wasawa Singh and the other accused Surain Singh, and, towards the end of January, accused tells the witness that Mula Singh, approver, is collecting men. Accused is one of those who assembled at Bakshish Singh's well'' just before the Chabba dacoity (in which this approver himself took part), and joins in saying that Beli Ram must be killed—afterwards taking part in the actual murder.

It is true (as urged by the Defence counsel) that this approver did not identify this accused in court; but the explanation is given that accused at the time of the dacoity had no beard.

P.W. 16 (the Deputy Superintendent of Police) states that accused Kala Singh, who was captured by the Chabba villagers, implicated accused, who was found absent from his village. He was spoken of as a

great friend of the other accused Surain Singh, and, after his arrest, gave the clue to Udham Singh, approver. This witness is corroborated by P.W. 123 (lambardar of Chabba). P.W. 124 (Gurbaksh Singh, Zaildar) states that on February 8th he brought in accused from his sugarcane field, and that accused named Udham Singh, approver, and others as Chabba dacoits. Further, that he implicated accused Bakshish Singh, and that Bakshish Singh implicated him on February 9th. P.W. 141, son of Beli Ram, asserts that his father got out a warrant of arrest against accused's father; and P.W. 195 (Inspector Amar Ali) states that on March 19th approver Mula Singh at Padri identified accused as a Chabba dacoit.

Accused in his **statement** (page 402) denied the allegations against him; but admitted that Beli Ram had a decree against his father. He denied even knowing the witness Gurbaksh Singh, and asserted that he was arrested at his house by Pal Singh, Zaildar, and some Police.

As regards Udham Singh, he could only suggest that possibly that approver had substituted him for some friend of the approver's who had been in the dacoity; and asked why Udham Singh, who had been an enemy of a beneficent Government, should not have been against him also?

He produced D.Ws. 1 to 4 inclusive -who gave him a good character, asserted that for 2 years past he had worn a beard; and one of whom put forward a stupid story of an alibi, which had not been mentioned by accused himself.

We have ample evidence that accused was aware of the conspiracy, and that he was one of Beli Ram's murderers. His friendship for the other Surain Singh, Beli Ram's decree, and the warrant issued against his father (a lambardar) no doubt supplied the motive for murder. *The loot was not shared among the dacoits*.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121 A and 395 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead, and we order that such of his property as is liable to Confiscation be forfeited to Government.

(77) *Master* Udham Singh, son of Mewa Singh, of Kasel, *Jat*, Police Station Gharinda, District Amritsar, aged 26 (Ex. Soldier).

This accused, who pleaded "Not guilty" to the charges framed against

Master Udham Singh

him (page 601), admittedly returned to India by the ss. "Korea" and "Tosha Maru", and was interned on arrival in Multan Jail. Our general remarks elsewhere in the judgement *re* interned accused will also apply to him.

He was identified on Jail parade of April 24th by approver Jwala Singh as a man he had seen in Shanghai, and in court by approvers Amar Singh, Mula Singh and Nawab Khan.

Approver Amar Singh, who says that accused was on his boat, states that accused was one of those who agreed to return to India for a revolution (page 63), and helped to recruit others at Bridal Veil, Vina and Astoria. He also says that accused attended the Portland and Sacremento meetings in August 1914.

Approver Mula Singh states that accused attended Astoria meeting in March and June 1914, and corroborates that he came with Amar Singh about the end of July or beginning of August 1914, saying that the time was ripe for a revolution now that the War had started, and the "Komagata Maru" had returned (page 91). He also mentioned him as one of his revolutionary group. Approver Nawab Khan, who says that accused was once a signaller in the "Malay State Guides"; states that at Hong Kong he met accused at the house of a Sikh *Thanadar*, and that accused told him he had come to buy revolvers (page 129). At Penang accused is one of those sent to try and tamper with troops. Approver Umrao Singh says he saw accused at the "*Ghadr*" Press on August 28th, 1914. P.W. 16 (the Deputy Superintendent of Police) states that approver Mula Singh mentioned, in his statement recorded between March 12th and 14th, that Amar Singh and accused came to him in Astoria beating up recruits for a revolution.

Accused in his statement (page 471) had denied the allegations against him. He asserts that he never went to Sacremento, nor lived in California; but was in Oregon, at Linton (where Amar Singh, approver, first placed him) and Henton. He spent one night in San Francisco on his way home (this must have been the night of August 28th, 1914), and says that he had been away from home for 9 years in the Malay States and Oregon. He got letters from home, and, as he had bought property in America, and work was slack, he took the opportunity to return home

and marry, intending to take his wife back to America. He used to know Mula Singh in Shanghai; thought him a bad character; and refused to stand security for him. He also had a quarrel with him at Linton about wages. He says that on the ship, when he was tipsy, he had a quarrel with Nawab Khan over the use of cooking-stove; and that he does not know Amar Singh at all, who did not identify him on Jail parade. As regards this last point, it does not appear that this accused was present on Jail parade, when Amar Singh was there identifying on April 18th.

Accused produced D.Ws. 204 (*lambardar* of his village) and 205 (his brother) to support his story that letters were sent to him, urging him to return and get married.

His counsel has urged that Nawab Khan has not been corroborated about the revolvers; but it is in favour on the general truth of Nawab Khan's statement as a whole that, though he cannot have been aware of all the various persons interned, we do not find him ascribing to them acts subsequent to their internment. There is no apparent reason why Amar Singh should have falsely implicated this accused; and Mula Singh and Nawab Khan were not cross-examined about the matters of the security and the cooking-stove.

We see no reason whatever to doubt this accused's connection with this conspiracy prior to his internment.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 131 of the Indian Penal Code. We sentence him to undergo transportation for life and order that such of his property as is liable to confiscation be forfeited to Government.

[Udham Singh (15.03.1882-27-1-1926) — Deported to Andemans in October 1915. Prisoner No. 38114. Repatriated to Vellore jail in Madras Presidency. Escaped from the jail in June 1922. Went across the whole distance on foot to reach Afghanistan. Kept on visiting Punjab and took active part in revolutionary activities in Punjab/India. Killed while crossing Indo Afghan border due to mistaken identity by tribals. — Eds.]

(78) Umrao Singh, son of Rulia Singh, Jat, of Jhabbewal, Police Station Sahnewal, Ludhiana.

[Made an approver during the course of trial. — Eds.]

(79) Uttam Singh *alias* Ragho Singh *alias* Sewa Singh, son of Jita Singh, of Jagroan, Ludhiana.

[Absconded, but arrested and sent up for trial in the Supplementary Lahore Conspiracy Case and sentenced to death. — Eds.]

(80) '*Sant*' Wasakha Singh, son of Dyal Singh, of Dadher, Police Station Sirhali, District Amritsar, age 32. (Ex-soldier)

Sant Wasakha Singh

Sant Wasakha Singh

The accused, who pleaded "Not guilty" to the charges framed against him (page 603), is one of the Dadher group, which included the two accused named Bishan Singh **(His nephew — Eds.)** and accused Hazara Singh (whom this accused resembles in appearance). He admittedly reached India on January 7th, 1915, by the ss. "Katana Maru" (on which ship accused No. 9 Bishan Singh and accused Hazara Singh also arrived). Many of our remarks in the separate cases of those other accused will apply to this accused.

He was identified on Jail parade of the 18th April by approver Mula Singh and the Police spy, on Jail parade of April 24th by approver Jowala Singh, and by P.Ws. 111 and 112. In Court, he was identified by these witnesses (the spy at first confusing him with accused Hazara Singh, by approver Amar Singh, who did not identify him on Jail parade, and by P.Ws. 115, 116 and 117. Admittedly, this accused, on his return to India was restricted to his village.

Approver Amar Singh (who did not identify accused on Jail parade — but who gave a description of him to the Magistrate, — *vide* page 25 of the Magistrate's record) mentions accused as in Amritsar in company with accused Kehr Singh, and says that approver Mula Singh named him as one of the persons who had subscribed at Nanak Singh's *chaubara*.

Approver Mula Singh, who knew accused at Stockton, says that accused was at Nanak Singh's *chaubara* on January 11th, 1915, and P.W. 111 (owner of Nanak Singh's *chaubara*) corroborates. Mula Singh further states that about February 10th he sent accused No. 5 Balwant Singh of Sathiala with 3 pistols to be made over either to this accused, or one Hardit Singh of Chola, and that Balwant Singh returned after making them over to this accused (page 104 and 105).

Approver Jawala Singh simply said that he had known accused long ago in the Shanghai Police.

P.W. 16 (Liaqat Hayat, Deputy Superintendent of Police) states that on about February 25th approver Mula Singh made a statement that he had sent 3 revolvers to this accused by the hand of accused Balwant Singh, and that later, accused's uncle, Nihal Singh, produced a box containing 2 revolvers (exhibits P. 48, 49, 86). P.W. 195 (Inspector Amir Ali) corroborates. P.W. 72, the Police spy, states that on February 14h this accused was mentioned by accused Nidhan Singh at an Amritsar meeting in connection with bombs and revolvers, together — (*vide* pages 185, 186). On the 15th at a meeting at house No. 1 in Lahore it was decided that accused should go to Delhi (in connection with the intended rising), and on the 16th the witness was given a message for him by Rash Behari himself, to the effect that accused should assume the name of "Bachan Singh", and go to Delhi. We do not propose to discuss here again the spy's description of his visit to Dadher *Dharmsala* on the 18th February — the details are given full at page 187 of the record, and we have discussed this evidence in connection with the separate cases of the accused Hazara Singh, Kehr Singh and the two Bishan Singhs. What is here important is that the spy states that the accused with whom we are now concerned was not at Dadher that day (having gone 3 days before to Tarn Taran). He accordingly left Rs. 20 and instructions behind for him. This piece of evidence it obviously very much in favour of the truth of the spy's story — he has not attempted to implicate this accused as one of those who made over the inkpot bombs, etc., to him.

P.Ws. 110 and 112 corroborate P.W. 111 and approver Mula Singh as to accused's visit to Nanak Singh's *chaubara*.

P.W. 115 (a *Zaildar*) states that accused produced from the house of his uncle, Nihal Singh (now dead), the box *exhibit* P. 86 containing 8 pistols and some cartridges. The box was opened by a *lohar*. This witness is connected with Nihal Singh, and has identified exhibits P. 48, 49, 50

an automatic pistol, a revolver and cartridges). The search-list of March 10th is exhibit P. 162.

P.W. 116 (a *Lambardar*) corroborates, and says that accused, the two Bishan Singh and Hazara Singh returned about the same time from America. P.Ws. 117 (a *Lambardar*) and 118 (the *Lohar* who opened the box) give evidence in corroboration. P.W. 116 also stated that nothing incriminating was found in accused's own house. P.W. 195 (Inspector Amir Ali) states that it was Mula Singh's information which led to the recovery of the above articles. Accused was arrested by the Amritsar Superintendent of Police. Mula Singh denied having given the box exhibit P. 86, along with the pistols. Nihal Singh said that accused Balwant Singh had left the box with this accused, who had made it over to him — not, that it had come by post. Accused's own house had been searched 10 days before the search at Nihal Singh's, and accused himself gave the clue to Nihal Singh. The details of this cross-examination will be found at page 252.

Accused in his statement (page 475) gave as the reason for his return to India that his old father (now dead) had written to him to return for his brother's wedding. He admit visiting "a *chaubara*" in Amritsar directly after his return, along with accused Hazara Singh and one of the Bishan Singhs. He spent one night there, but saw no funds collected, and never subscribed himself. He denies having given up the box of pistols. He states that he was restricted to his village, and was sent for by the Police; and as he could give them no particulars about the "Ghadr" paper, etc., they threatened to get him into trouble. His house was searched without result, and he was then kept in the *thana* for about a fortnight, and was asked to place a pistol in the house of Bishan Singh, accused No. 10, and in the house of Kehr Singh. The Police then connected the whole matter of the finding of the box of pistols at Nihal Singh's house. Accused concludes by saying that he has enmity with one of the *Lambardars*. No reason has been suggested why all the Prosecution witnesses should be giving false evidence against an innocent man, and accused's story is quite unconvincing.

As regards defence witnesses — D.W. 107 (a Sub-Inspector) says that accused's absence from his village was reported by the *Chaukidar*, but that no note was made of it. D.Ws. 90 and 99 inclusive and 116 tell the absurd story, full of discrepancies, which we have already discussed *re* other Dadher accused, about the locking up of the Dadher *Dharmsala*.

D.W. 95 states that Nihal Singh, who was an aged man, unable to either see or hear, lived 100 *karams* from accused. Though he was aged 90 he lived quite alone. This witness and D.Ws. 96, 97, 100, 102, 103 and 104 try to support accused's story *re* a bogus search of Nihal Singh's house; but one of them says that accused arrived on the scene five minutes after the box had been produced; another says, an hour after; and a third that accused was never present at all that day. There is an attempt to support the story of the alleged enmity of Sub-Inspector Aziz Din, and the story that accused was asked to place a pistol in the house of another accused. D.W. 102 Nihal Singh's brother supports the story *re* the reason for accused's return to India.

Accused's counsel, naturally, could say but little on behalf of his client. He has urged that Amar Singh did not identify him on Jail parade; and has asked "what has become of the 3rd pistol?" It was hardly for the Prosecution to prove this — whatever had been recovered was produced. Amar Singh mentioned this accused in his statement to the Magistrate, and we have evidence that on Jail parade he appeared nervous in the presence of his late companions. The spy never actually *saw* this accused, and did not try to make out that he did so at Dadher — in fact, he confused him, at the time of identification, with Hazara Singh, whom accused resembles. As a matter of fact, a third pistol wass found (*vide* the case of accused Kehr Singh of Marhana), but, had the Police wished to fabricate evidence, what could have been simpler than to have placed 3, instead of 2 pistols in the box, exhibit P. 86?

We see no reason whatever to doubt the connection of this accused with the conspiracy.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 122 of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

[Wasakha Singh, a close associate of Baba Jawala Singh of Thathian.

Deported to Andemans in December 1915. Released under Royal Amnesty in January 1920. Founded Desh Bhagat Qaidi Parivar Sahayak Committee soon after; organised assistance to convicted in Ghadr, Babbar Akali Conspiracy and other such cases. Also established contacts with Bengal revolutionaries. Wrote articles for *Kirti*. Symbolised the ideals of Saint - Crusader 'Sant Sipahi' — reverred equally by the Communists as well by the devout Sikhs, besides eminent Congressites like Pandit Jawahar Lal Nehru. Expired on 15 December 1957. Prof. Waraich has edited his autobiography and got published by S.G.P.C., Amritsar in 2001. — Eds.]

(81) Wasawa Singh, son of Mihan Singh, Jat, of Gilwal0i, Police Station Amritsar, aged 38.

Wasawa Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 605), admittedly reached India on November 20th, 1914, by the ss. "Salamis". This was the ship by which accused Balwant Singh of Sathaila, Gurdit Singh and Pingle arrived. This accused is alleged to have been the actual originator of the idea of the Chabba Dacoity, in which he did not himself actually take part, being on security at the time.

He was identified on jail Parade of April 18th by approvers Mula Singh and the Police spy. Udham Singh approver, did not identify him on jail parade; but the prosecution, suggest that this approver was then only present for the purpose of trying to identify certain actual dacoits. In court the accused was identified by the aforementioned three persons and by P.W s 153, 155, 156, 181, 184, 185, and 196. P.W. 182 failed to identify him.

Approver Mula Singh (page 92) states that he met accused at Singapore in company with accused Pingley, and it was decided to meet at Amritsar and discuss plans for the revolution. About the first week in January, accused is brought by accused Harnam Singh of Sailkot to Sant Gulab Singh's Dharmsala along with "a pock marked stranger", and suggest looting a big sahukar at Chabba, and asks for men. He says that he has four or five men of his own village (Gilwali) and one man of Chabba (presumably, accused Sawan Singh), *and he promises Mula Singh to refrain from murder*.

Approver Udham Singh states that about December 22nd, 1914, he

spent a night at accused's house on his way to give evidence in Amritsar in a case about the cattle theft (vide P.Ws 183, 184). Accused tells the witness's father that money must be got for bombs, and asks for his help in dacoities. Next day accused arrives at the Amritsar District Court; asks witness's further to go with him to get help from Mula Singh, and accompanies him to Amritsar City. About January 2nd, the witness meets accused in company with the two Surain Singhs, and accused says that he has found a wealthy man in Chabba to dacoit, and that Mula Singh has promised assistance (page 229), and a few days later tells the witness that he got a blacksmith (presumably, accused Kala Singh). After this accused is arrested by order of the Deputy Commissioner, but is released on security on the responsibility of a Zaildar. This explains why accused did not take part in the actual dacoity. This approver (page 229, 233,) makes mention of a small matter of Rs.80 owing to P.W.185; it is only noticeable as a detail corroborated by other evidence, which goes to show that the approver's story is not a concoction.

The police spy, Kirpal Singh, merely stated in answer to a question asked in cross-examination that accused's brother, Bakshish Singh used to visit the Thana.

Approver Umaro Singh states that accused was present at the Oxnard meeting in July 1914.

P.W. 16 (The Deputy Superintendent of Police) tells how accused, who is related to accused Bakshish Singh, was found absent from his village after the Chabba dacoity of February 2nd, and was arrested on April 1st. P.W. 141, son of the murdered Beli Ram, states that accused had land mortgaged to his father. P.W. 153 (accused's own servant) states that 15 days before this dacoity when accused was working at the joint well, which belongs to him and accused Bakshish Singh; he was visited by accused No. 75 (Surain Singh) and others. This Surain Singh was one of the Chabba dacoits. P.W 155 (Kishan Singh Lambardar) who was with this accused when on a journey, and accused told him he had been on the ss. "Kamagata Maru" having joined the Ghadr Party of Revolutionaries. This witness went and gave information to the Deputy Commissioner Amritsar (his recorded statement is exhibit P.184 on December 14th, 1914), and he was able to identify accused in court without any difficulty.

This is a very strong piece of evidence; we have the actual statement of the witness recorded on December 14th; and all that accused could

suggest against this witness was that lambardars go and report against returned emigrants to get credit.

P.W. 156 is the Gilwali Zaildar, who states that accused was arrested but was released by the Deputy Commissioner, the witness being told to keep an eye on him. Further, that accused produced at the Thana the Rs. 80 left by Udham Singh, approver, for P.W. 185. P.W 181 states that he went to accused to enquire after accused Kesar Singh, and that Udham Singh, approver came whilst he was there. P.W. 182 (brother of Udham Singh) stated that accused visited Udham Singh, but this witness failed to identify accused in Court. P.W 183 is the father of Udham Singh, approver; and so we, naturally, accept his statement with this caution. According to his story, accused attended the meeting at Fresno (this is corroborated by P.W.185), and he and this accused sailed from San Francisco on the ss. "Manchuria". At Singapore accused lectures against Government., and he and the witness agreed to associate in India. On the way to Amritsar for the cattle theft case the witness stays with accused; and, on a second visit, accused talks of a dacoity proposed at Chabba, which the witness refuses to join in "because his mind had changed" (page 243). Towards the bottom of that page we find that there is practically no cross-examination of this witness. P.W. 184 corroborates regarding the stay at accused's house; the cattle case theft was actually this witness's own case; and we have the judgment in it, dated the 11th January 1915 (exhibit P. 209).

P.W. 185 corroborates re the Fresno meeting; says that he too sailed by the "Manchuria" along with accused and "3 Bengalis" (he, presumably, looked upon Pingle as a Bengali); and says that he is still owed the Rs. 80 which accused Bakshish Singh had stated that Udham Singh, approver had left with him on the night of the Chabba dacoity. He admitted that this accused and Udham Singh, approver had been kept together in the same cell.

P.W. 196 (Ujagar Singh) states that his brother had dealings with accused and he went to get payment of some money, and was given a message by accused for Udham Singh to the effect that approver had better make himself scarce. This was after the dacoity, and the capture of accused Bakshish Singh. Not a single question regarding any quarrel was asked of this witness, though accused subsequently alleged one in his statement.

Accused in his **statement** (page 402) denied all connection with the

Ghadr party, and denied having attended a Fresno meeting. Like a very large number of the other accused, he makes out that the reason for his return to India was a death in his family. He denies knowing Mula Singh even by sight. He admits travelling from Singapore with the father of Udham Singh, approver and admits that Rs. 80 were given to him for the witness, Suba Singh, which he gave up to the police. He denies suggesting the Chabba dacoity. He denies having owed anything to the murdered Beli Ram; and says that his cousin Bakshish Singh's land, which had been mortgaged to deceased, had been redeemed. He denies the other allegations against him, and, at the end of his statement tells us of a quarrel with the witness, Ujagar Singh -about which Ujagar singh was never cross-examined. He admits his production before the Deputy Commissioner, who "left him off with a warning"; but, as regards the evidence of Kishen Singh, lambardar (P.W. (155), he can only suggest that lambardars invent stories against returned emigrants "to gain credit".

His defence witnesses in no way rebut the prosecution evidence. They are D.Ws. 17, 19, 20, and 21.

The last of these is a Muharrir of the Amritsar Sadr Thana, and he distinctly states that this accused was not in the Havilat there when Mula Singh approver was; and that accused was not even under supervision of that Thana. The witness first saw him when proceedings took place before Mr. King, Deputy Commissioner of Amritsar. The remaining three witnesses are in support of a statement by accused that he has taken 8 squares of land for cultivation at Chak No.69 of the Lyallpur district; and we have exhibit D.8, a lease of January 26th, 1915. The evidence is mainly directed to showing that accused was away in the Lyallpur district on business connected with this land on January 26th, and 31st, and February 3rd — whereas the Chabba dacoity took place on February 3rd Very likely this evidence may be true; but it does not help this accused. There is no case against him that he took part in the Chabba dacoity; but there is ample evidence that he was also a conspirator. That dacoity, too was carried out for the purposes of the conspiracy; though accused was partly actuated by private motives. He could not join in the dacoity, because he was on security; and when it was in progress, he made himself scarce.

Accused's Counsel is, of course, quite mistaken in arguing that P.W. 183 (Udham Singh's father) "Suggested and approved" of the Chabba dacoity; the evidence is quite contrary to this view. It was equally

incorrect to argue that "there was no other evidence beyond the statements of Udham Singh and his father". Nor can we accept the view that this accused's conversation with Kishan Singh, lambardar (in respect of which exhibit P.184, came to be recorded) was "only idle talk". Lastly, exhibit P.208 is a statement of Civil and Revenue cases between the murdered Beli Ram and certain Gilwali accused and A to M of that series are the judicial records of cases; and we see no reason to doubt that, though Bakshish Singh's land may have been redeemed, bitterness still remained, and accused No. 75, Surain Singh, of Gilwali (accused's village) was still owing money.

On consideration of the above evidence, we convict this accused of offences under sections 121, 121 A, 124 A and 396/109 of the Indian Penal Code. We sentence him to be hanged by the neck till he be dead; and we order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in December 1915. Prisoner No. 38365. Released in 1920. — Eds.]

(82) Rur Singh, son of Attar Singh, *Jat*, of Chuhar Chak, Police Station Moga, District Ferozepur, aged 35.

Rur Singh

This accused, who pleaded "Not guilty" to the charges framed against him (page 607), admittedly returned to India by the ss. "Korea" and "Tosha Maru". He was interned on arrival, but was released on November 22nd, 1914. At page 627 we have a brief statement to the effect that he wished to withdraw all his Defence witnesses.

Approver Umrao Singh states that accused was one of those at the "*Ghadr*" Press on August 28th, 1914, the day before the "Korea" sailed.

Approver Nawab Khan, who identified accused in Court, states that accused (who belonged to the same village as Kanshi Ram, the Ferozeshahr murderer **(False — Eds.)**) was one of the three persons deputed after leaving Manilla to search their fellow-passengers' baggage, and throw overboard seditious literature; and approver Amar Singh mentions a similar incident at page 63 of this

record. According to Nawab Khan, this accused attends the seditious meeting at Hong Kong *Gurdwara*, and is one of the deputation to the Superintendent of Police at that port to protest against himself and his companions being obliged to leave "by groups of twenty". He becomes a member of the Central Committee formed there; and, along with the witness (page 128) — on account of accused's good knowledge of English — visits the German Consul, and discusses revolutionary matters. He takes part in the seditions meetings on the "Tosha Maru", and at Singapore attempts to tamper with troops. At Penang (page 131) he is one of the party sent out to ascertain the shop of dealers in arms with a view to pillage. He is one of the deputation to the Governor. (Approver Amar Singh corroborates) At Rangoon, he and the witness visit a Pathan dealer for arms. On November 30th the witness learns from accused Bhan Singh of this accused's release from internment. In cross-examination (page 148), the witness admits that though he saw accused in India, the accused was not with him in any dacoities.

P.Ws. 202 (Phuman Singh, constable), 204 (another constable) and 203 (a *Chaukidar*) give evidence as to the capture of this accused on April 29th in company with the dangerous criminal, accused Nidhan Singh. The pair were chased, accused was caught by the *Chaukidar*, and, in trying to effect a rescue, Nidhan Singh grievously wounded the constable Phuman Singh with the dagger "exhibit P. 231".

In his statements (page 467 and 627) accused denied the various allegations against him, and stated that, at the time of the arrest, he was not with Nidhan Singh, but on a footpath ahead of him. He asserted that he had never left his village since the date of his release from interment; that his return to India was in order to look after his land himself, and make his son go to school; and that he had quarrels with Nawab Khan, approver. He also stated that that approver was speaking of another "Rur Singh". This does not appear from Nawab Khan's statement, and he was not cross-examined *re* these last two assertions. In his supplementary statement at page 627 accused gave a brief history of his travels since 1899, and elaborated his story about the reason for his return in August 1914, and about his capture. He stated that he first met Nidhan Singh on board the ss. "Korea."

Page 81 of this record should be seen for the special complaint filed regarding this accused — whose name was at first omitted by an error. His Counsel has urged that Amar Singh, approver, did not mention this

accused to the Magistrate, but this is incorrect. We find him mentioned at page of the Magistrate's record, and in conjunction with Nawab Khan, as searching the baggage of fellow-passengers for seditious literature. Again, the Defence Counsel has pointed out the contradiction between Amar Singh and Nawab Khan *re* the visit to the German Consul — Amar Singh says he was one of the deputation, Nawab Khan says that Amar Singh was not. It seems that Nawab Khan's memory was at fault on this point; since, at page 9 of his statement to the Magistrate, Amar Singh gives details of this visit, mentioning accused as one of those who visited the German and Chinese Consuls. The note on our record at page 64 is very brief, but we have further notes on the point in the memoranda of the other Commissioners; and at page 85, in cross-examination Amar Singh has stated — "the Rur Singh who went to the Chinese Consul is accused No. 82." It is urged that Mula Singh has not identified accused, although it has been stated that accused visited the "*Yugantar Ashram*"; but a large number of persons visited the Ashram before the "Korea" sailed, and it is quite probable that Mula Singh did not know him. At any rate, he has not been tutored to say anything against him. Nawab Khan has not tried to implicate accused in dacoities. It is true (as urged for the Defence) that the "Tosha Maru" passengers, P.Ws. 383, etc., do not mention accused in their lists of prominent persons, and it is also true that we have no evidence of seditious acts done by accused after his return to India. This, however, goes to show that there was no desire to concoct a false story against him; and possibly, his brief internment somewhat damped his enthusiasm. However, we consider there is reliable proof of his connection with the conspiracy prior to his arrival in India; and he was arrested in the company of the dangerous criminal Nidhan Singh, after attempting to escape from the Police.

On consideration of the above evidence, we convict this accused of offences under sections 121 (abetment of waging war), 121A and 131 of the Indian Penal Code. We sentence him to undergo transportation for life; and order that such of his property as is liable to confiscation be forfeited to Government.

[Deported to Andemans in December 1915. Prisoner No. 38514. Was released in October 1929 on certain conditions. Became active in Desh Bhagat Parivar Sahayak Committee. Was elected to Punjab legislative Assembly in 1937 elections. — Eds.]

A related Case:—

(Master) Chattar Singh (June 1880-December 1963), son of Sawan Singh, Vill. Maneli, Tehsil Ropar, Distt. Ambala.

His bio-sketch :—

Master Chattar Singh

[A patriot-revolutionary, six-footer, with his once robust physique, now reduced to a virtual skelton, poses for a snap wearing look-alike fetters.

Sentenced for a political crime U/s. 307 IPC (attempt to murder) while his father pleaded through Counsel that the boy was insane, Chattar Singh denying it and admitting the crime was sentenced to transportation for life in December 1914 and sent to Cellular Jail at Port Blair (Andemans), Convict No. 38360.

For refusing to obey the illegal command of mowing the grass in the jail compound on Sunday, was punished to six months of fetters confinement. Enraged over the humiliation, he one day found an opportunity to assault the Jail Superintendent, for which he was ordered to be confined in an iron cage specially designed for the purpose, wherein he could neither stand nor fully stretch his legs. He remained in the cage for four years, and then too he was taken out from the cage on 28th November 1920 after a vigorous protest be fellow Ghadrite prisoners.

Upon release in 1926, he could hardly digest, anything other than the liquit left-over of boiled rice. — Eds.]

The Occurence: 16 December 1914:—

Chattar Singh, the man who committed the murderous assault on Professor H.B. Dunichffe at the Khalsa College and who had been committed to the Sessions to take his trial was brought up before Mr. S.S. Barris, Sessions Judge, today

(17th). The accused's father had put in an application through a counsel pleading insanity on the part of the accused, but when asked by the Sessions Judge the accused said he was not insane or mad. The case them proceeded. The charge sheet being read over, the accused pleaded guilty. Statements were then recorded of Professor H.B. Dunicliffe, Colonel H. Smith, I.M.S., and Principal R.G. Wright and ultimately the accused was convicted and sentenced under Section 307, 2nd Clause, Indian Penal Code, to transportation for life. The convict, who was a tall six footer but of pale and emacinated cheeks, was then marched off to jail. The *chhavi* used was a deadly weapon of an enormous blade, and it was through sheer good luck that Professor Dunicliffe escaped with two outs which, however, will yet take about six weeks to heal up. — *The Tribune*, dated 17th December 1914.

Some excerpts:

(1) Master Chattar Singh, who was sentenced for attempting to kill the British Principal of Khalsa College, Amritsar, too, fought gallantly against the unjust punishment. He was told to mow the grass in the jail yard on Sunday, the day which under the jail rules was meant for taking a bath, washing clothes and cleaning the cell. He refused to oblige the authorities. Major Murray punished him to fetters for six months. He decided to avenge himself. In the morning of the first Sunday every month, the weight of the prisoners used to be noted in the presence of Major Murray. Master Chattar Singh boarded the weighing scale as usual and while getting down, he suddenly slapped Major Murray with force, who fell down from his chail. The warders and petty officials ran to overpower and thrash Chattar Singh, but the other political prisoners present there challenged them. Out of fear, Major Murray also asked the warders not to assault Chattar Singh. However, he was punished and locked in an iron cage, which was not large enough to either lie down or stand up. He was also given his food there. Whatever the punishment, Master Chattar Singh did register his protest

for the unjust orders of the authorities. He had to remain confined in the cage for a number of years for which ultimately Sohan Singh Bhakna resorted to a hunger strike and got Chattar Singh released from confinement. — *The Heroes of Cellular Jail*, S.N. Aggarwal, pp. 209-10.

(2) A brief reference to the Sikh prisoner Chattar Singh has been made above. Savarkar gives the following account:

"The Sikhs grew long hair and beards and they wanted soap to wash them clean. But they were not given this... and were subjected to constant persecution and abuse by the warders in charge. Infuriated by this harsh treatment, Chattar Singh one day attacked the Superintendent. The Superintendent rolled over the chair and therefore no harm was done to him. But the tindals, warders and jamadars overpowered Chattar Singh and gave him a sound thrashing. Chattar Singh was locked up in a cage since that day for a number of years. —(Penal Settlements In Andemans: R.C. Mazumdar, p. 245.)

Particulars of all the accused in Supplementary Lahore Conspiracy Case

Judgement delivered on March 30, 1916

Sr. No.	Person tried.	Sections of Indian Penal Code under which convited.	Sentenced pronounced.	Final Sentence after review.
1.	*Amar Singh, son of Buta Singh of Kotla, Police Station Hariana, Hoshiarpur.		Discharged, but convicted in the Second Supplementary Lahore Conspiracy Case.	
2.	Arjan Singh, son of Lal Singh, Jagraon, Ludhiana.	121, 121A, 302/109.	Transportation for life. Forfeiture of property.	Transportation for life.
3.	Attar Singh, son of Hira Nanad, of Dhikampur, Police Station Chakwal, Jhelum.	121, 121A	Transportation for life. Recommended for mercy.	10 years' transportation.
4.	*Balwant Singh *alias* Banta Singh, *alias* Harbans Singh, son of Kesar Singh, of Dadher, Police Station Sirhali, Amritsar.		Absconded, but finally arrested and case against him withdrawn.	
5.	Bogh Singh, son of Natha Singh, Barber, Mahant of Jhar Sahib, Police Station Tarn Taran, Amritsar.	121, 121A	Transportation for life and forefeiture of property. Recommended for mercy.	10 years' transportation.
6.	*Bir Singh *alias* Vir Singh, son of Buta Singh of Bahowal Hoshiarpur.	121, 396 302/109	Death. Forfeiture of property.	Death. Forfeiture of property.
7.	Bishen Singh, son of Wasakha Singh, Jat, of Warpal, Police Station	121, 395/109	Transportation for life and forfeiture of property.	Transportation for life.

	Jandiala, Amritsar.			
8.	*Budha Singh, son of Ishar Singh of Sursingh, Police Station Khalra, Lahore.	121	Transportation for life and forfeiture	Transportation for life.
9.	*Chanda Singh, son of Kala Singh, of Daudhar, Police Station Moga, Ferozepore.		Acquitted.	
10.	Dalip Singh, son of Hamir Singh, of Phullanwal, Police Station Ludhiana Sadr, District Ludhiana.	121	Transportation for life and forfeiture of property. Recommended for mercy.	3 years' rigorous imprisonment.
11.	Dari, son of Jhanda Singh of Dadher, Police Station Sirhali, Amritsar.		Discharged.	
12.	*Dhan Singh, son of Hari Singh, of Dhaloke, Police Station Moga, Ferozepore.		Acquitted.	
13.	Dharm Singh, son of Amar Singh, Jat, of Nandpur, Patiala State.		Transportation for life and forfeiture	10 years' transportation.
14.	Ganda Singh, son of Bahadur Singh, son of Jawala Singh, of Sursingh, Police Station Khalra, Lahore.	121	Transportion for life and forefeiture of property.	Transportation for life.
15.	*Ganda Singh, *alias* Sangat Singh, son of Jawala Singh, of Sursingh, Police Station Khalra, Lahore.	121	Transportation for life and forfeiture of property.	Transportation for life.
16.	*Ganda Singh, son of Lehna Singh, of Sursingh, Police Station Khalra, Lahore.		Acquitted.	
17.	*Gandha Singh, *alias* Bhagat Singh, son of Jawala Singh, of Kacher Bhan, Police Station Zira, Ferozepore.		Absconded, but finally arrested and sentenced to death in the Ferozeshahr Murder Case.	

18.	*Gujar Singh, son of Sham Singh, of Bhakna, Police Station Gharinda, Amritsar.	121	Transportation for life. Forfeiture of property.	Transportation for life. Forfeiture of property.
19.	Harbhajan Singh, son of Fateh Singh, of Chaminda, Police Station Dehlon, Ludhiana.	121	Transportation for lfie and forefeiture of property.	3 years's rigorous imprisonment. Case to be reconsidered after 2 years.
20.	*Hardit Singh, son of Dalel Singh, of Dalewal, Police Station Phillaur, Jullundur.		Absconding. Subsequently arrested, convicted hanged.	
21.	*Hari Singh, son of Hakim (or Nand) Singh, of Viring, Police Station Sadr, Jullundur.		Acquitted.	
22.	*Hari Singh, son of Amar Singh, of Kakar, Police Station, Lopoke, Amritsar.	121	Transportation for life and forfeiture of property.	Transportation for life.
23.	*Harnam Singh, son of Narain Singh of Gujarwal, Police Station Dehlon, Ludhiana.	121	Transportation for life and forfeiture of property.	Transportation for life.
24.	*Harnam Singh, *alias* Thakar Singh, son of Bhup Singh, of Rasulpur, Police Station Tarn Taran, Amritsar.	121	Transportation for life and forfeiture of property.	Transportation for life.
25.	*Harnam Singh, son of Jewan Singh, of Padhana, Police Station Khalra, Lahore.		Discharged.	
26.	Harnam Singh, son of Sundar Singh, of Kala Sanghian, Kapurthala State.	121, 121A, 131	Transportation for life and forfeiture of property.	Transportation for life and forfeiture of property.
27.	Harnam Singh, son of Asa Singh of Sursingh, Police Station Khalra, Lahore.		Absconded. Was subsequently arrested, but the case against him was withdrawn.	
28.	*Hira Singh, son of Manna Singh, of Charar,	121, 121A, 131	Death and forfeiture of property.	Transportation for life and forfeiture

	Police Station Mozang, Lahore.			of property.
29.	*Ijaib Singh, son of Kesar Singh, of Warpal, Police Station Mozang, Lahore.		Acquitted.	
30.	Indar Singh, son of Phuman Singh, Jat, of Shaikh Daulat, Police Station Jagraon, Ludhiana.	121	Transportation for life and forfeiture of property.	7 years' transportation.
31.	Indar Singh, son of Nighaya Singh, Goldsmith, of Bald, Patiala State.		Absconding.	
32.	*Ishar Singh *alias* Puran Singh, son of Sajjan Singh Dhudike, Police Station Moga, District Ferozepore.	121, 121A, 302/109	Death and forfeiture of property.	Death and forfeiture of property.
33.	*Jagat Singh, son of Dewa Singh, of Gujarwal, Police Station Dehlon, Ludhiana.	121	Transportation for life and forfeiture of property. Recommended for mercy.	2 years' rigorous imprisonment.
34.	Jammu, son of Wasan, of Waltoha, District Lahore.	202	6 months' rigorous imprisonment.	6 months'rigorous imprisonment.
35.	Jassa Singh, son of Natha Singh, of Jhar Sahib, Police Station Tarn Taran, Amritsar.	121, 124A	6 months' rigorous imprisonment.	6 months' rigorous imprisonment.
36.	*Jawand Singh *alias* Lachhman Singh *alias* Lachman *alias* Punjab Singh *alias* Ram Chand, son of Narain Singh, of Nangal Kalan, Police Station Mahilpur, District Hoshiarpur.		Absconding. Subsequently convicted and sentenced to death in 4th Supplementary Conspiracy Case.	
37.	*Jindar Singh, *alias* Rajinder Singh, son of Mangal Singh of Chaudhriwala, Police Station Gharinda,	121	Transportation for life and forfeiture of property.	7 years' transportation.

	Amritsar.			
38.	Kahan Singh, son of Sarup Singh, of Hasanpur, Ludhiana.	121	4 years' rigorous imprisonment.	4 years' rigorous imprisonment.
39.	Kapur Singh, son of Chanda Singh of Kaunke, Police Station Jagraon, Ludhiana.		Case withdrawn. Discharged.	
40.	*Karam Chand Kohli, son of Ganesha Singh, of Ramgarh Street, Amritsar.		Acquitted.	
41.	Karam Singh, son of Sunder Singh, of Kotla Ajner, Police Station Khanna, Ludhiana.	121, 395	Transporttion for life and forfeiture of property.	Transportation for life forfeiture of of property.
42.	Kartar Singh *alias* Narain Singh, son of Bishen Singh, Goldsmith, of Patiala.	121	Transportation for life and forfeiture of property.	Transportation for life.
43.	Kartar Singh, son of Bamba Ram of Lalton, Police Station Raikot, Ludhiana.		Absconding.	
44.	*Kehar Singh, son of Naurang Singh, of Burj Rai, Police Station Sirhali, Amritsar.		Case withdrawn. Discharged.	
45.	*Kesar Singh, son of Mangal Singh, Goldsmith, of Sursingh, Police Station Khalra, Lahore.	121	Transportation for life and forfeiture of property.	7 years' transportation.
46.	Kirpa Singh, son of Jawahar Singh, of Lang Majri, Police Station, Anandpur.	121, 131	Transportation for life and forfeiture of property.	Transportation for life and forfeiture of property.
47.	Kishen Singh, son of Ghasita Singh, of Thatgarh, Police Station Tarn Taran, Amritsar.		Case withdrawn. Discharged.	
48.	*Labh Singh, son of Ram Singh, of Chak Walian, Kasur, Lahore.	121, 121A	Transportation for life and forfeiture of property.	Transportation for life and forfeiture of property.
49.	Labh Singh, son of Bur	121	Transportation for	5 years' rigorous

	Singh of Waltoha, Lahore.		life and forfeiture of property. Recommended for mercy.	imprisonment.
50.	Lal Singh, son of Udhe Singh of Narangwal, Police Station Dehlon, Ludhiana.	121	Transportation for life and forfeiture of property. Recommended for mercy.	10 years' transportation.
51.	*Maghar Singh, son of Ram Sngh, of Barar, Police Station Lopoke, Amritsar.		Acquitted.	
52.	Maharaj Singh, son of Nihal Singh, of Kasel, Police Station Gharinda, Amritsar. (Late Sowar, 23 Cavalry)	121	Transportation for life and forfeiture of property.	Transportation for life and forfeiture of property.
53.	*Mahindar Singh, son of Nand Singh, of Dhudike, Police Station Moga, Ferozepore.	121A	3 years' rigorous imprisonment.	3 years' rigorous imprisonment.
54.	Mahindar Singh, son of Narain Singh, of Majri, Police Station Khanna, Ludhiana.	121, 121A	Transportation for life and forfeiture of property. Recommended for mercy.	5 years' rigorous imprisonment.
55.	*Mangal Singh, son of Jaswant Singh, of Sursingh, Police Station Khalra, Lahore.		Acquitted.	
56.	*Mangal Singh, son of Mal Singh of Waltoha, Lahore.	121	Transportastion for life and forfeiture property. Recommended for mercy.	5 years' rigorous imprisonment.
57.	*Manna Singh, son of Kharak Singh, of Dhotian, Police Station, Sirhali, Amritsar.		Case withdrawn - Discharged.	
58.	*Mastan Singh, son of Mehtab Singh, of Narangwal, Police Station Dehlon, Ludhiana.	121	Transportation for life and forfeiture of property. Recommended for mercy.	Transportation for 14 years.

59.	Nahar Singh, son of Thakar Singh, of Gujarwal, Police Station Dehlon, Ludhiana.	121, 121A	Transportation for life and forfeiture of property. Recommended for mercy.	5 years' rigorous imprisonment.
60.	*Natha Singh, son of Kahan Singh, Mazbi, of Jaitwal, Distt. Ludhiana.		Absconded, but arrested and sent for trial and discharged.	
61.	Natha Singh, son of Mangal Singh of Dhun, Police Station Khalra, Lahore.	121	Transportation for life and forfeiture of property. Recommended for mercy.	10 years' transportation.
62.	*Pakhar Singh, son of Bhan Singh, of Dhudike, Police Station Moga, Ferozepore.	121	Transportation for life and forfeiture of property.	Transportation for life.
63.	*Pala Singh, son of Kala Singh Dhudike, Police Station Moga, Ferozepore.	121	3 years' rigorous imprisonment.	3 years' rigorous imprisonment.
64.	Pala Singh, son of Bagga Singh of Dhudike, Police Station Moga, Ferozepore.	121	Transportation for life and forfeiture of property.	7 years' transportation.
65.	Phera Singh, son of Lehna Singh of Kot Sardar Jhanda Singh, District Sialkot.	121A	2 years' rigorous imprisonment.	2 years' rigorous imprisonment.
66.	Phuman Singh, son of Ganesh Singh, of Kaler, Police Station Banga, Jullundur.		Acquitted.	
67.	*Prem Singh, son of Jiwan Singh, of Sursingh, Police Station Khalra, Lahore.		Absconded. Finally arrested and convicted in the Padri Murder Case and sentenced to death.	
68.	Ram Singh, son of Sahib Singh of Phullewal, Police Station Dehlon, Ludhiana.	121	Transportation for life and forfeiture of property.	2 years' rigorous imprisonment.
69.	Randhir Singh, son of Natha Singh, of Narangwal, Police Station Dehlon,	121A, 121	Transportation for life and forfeiture of property.	Transportation for life and forfeiture of property.

	Ludhiana.			
70.	*Ranga Singh, *alias* Roda Singh, son of Gurdit Singh, of Khurdpur, Police Station Kartarpur, Jullundur.	121, 302/109	Death and forfeiture of property.	Death and forfeiture of property.
71.	Rur Singh *alias* Arur Singh *alias* Arjan Singh, son of Pal Singh, Jat, of Sangwal, Police Station Kartarpur, Jullundur.		Absconded, but finally arrested and convicted in the Second Supplementary Lahore Conspiracy Case and sentenced to death.	
72.	Rur Singh, son of Samand Singh, of Talwandi Dussanj, Police Station Moga, Ferozepore.	121, 302	Death and forfeiture of property.	Death and forfeiture of property.
73.	*Sadhu Singh, son of Sher Singh, of Sursingh, Police Station Khalra, Lahore.		Acquitted.	
74.	Sajjan Singh, son of Mihan Singh of Narangwal, Police Station Dehlon, Ludhiana.	121, 131	Transportation for life and forfeiture of property.	10 years' transportation.
75.	*Samma Singh, son Khushal Singh, of Padhana, Police Station Khalara, Lahore.		Acquitted.	
76.	*Santa Singh, son of Thakar Singh, of Chola Khurd, Police Station Sirhali, Amritsar.		Discharged.	
77.	Santa Singh, son of Chuhar Singh, of Nandpur Kalour, Patiala State.	121	Transportation for life and forfeiture of property.	5 years' rigorous imprisonment.
78.	*Sarwan Singh, son of Mahna Singh, of Gujarwal, Police Station Dehlon, Ludhiana.		Acquitted.	
79.	Sewa Singh, son of Gajju of Lohatbandi, Nabha State.		Absconding	
80.	Sham Singh, son of Bhola Singh of Dhudike, Police Station Moga, Ferozepore.	121A	3 year's rigorous imprisonment.	3 year's rigorous imprisonment.
81.	*Sher Singh, son of Lehna Singh, of Thikriwala, Police Station Kahnowan, Gurdaspur.	121A, 124A	1 year's rigorous imprisonment.	1 year's rigorous imprisonment.
82.	Sucha Singh, son of Gurdit Singh, of Chola Kalan, Police Station Sirhali, Amritsar.	121, 131	Transportation for life and forfeiture of property.	Transportation for life and forfeiture of property.
83.	*Sudh Singh, son of Chanda Singh, of Chur Chak, Police Station Moga, Ferozepore.		Discharged.	
84.	Sultan Shah, son of Maghi Shah, *Faqir*, of Bhikiwind, Lahore.	121	Transportation for life and forfeiture property. Recommended for mercy.	5 years' rigorous imprisonment.
85.	*Sunder Singh, son of Rattan Singh, of Doulu Nangal, Police Station Beas, Amritsar.	121	Transportation for life and forfeiture of property.	Transportation for life.
86.	*Sunder Singh, son of Bhanga Singh, of Chola Khurd, Police Station Sirhali, Amritsar.		Discharged.	
87.	*Sunder Singh, son of Nihan Singh of Jabowal, Police Station Jandiala, Amritsar.		Discharged.	
88.	Suja Singh, son of Khushal Singh, of Waltoha, Lahore.	121	Transportation for life and forfeiture of property. Recommended for mercy.	10 years' transportation.
89.	Surjan Singh, son of Mahan Singh, of Gujranwal, Police Station Dehlon, Ludhiana.	121	Transportation for life and forfeiture of property. Recommended for mercy.	5 years' rigorous imprisonment.
90.	Teja Singh, son of	121	Transportation for	10 years'

	Dayal Singh, of Bhikiwind, Police Station Khalra, Lahore.		life and forfeiture of property. Recommended for mercy.	transportation.
91.	Teja Singh, son of Sunder Singh, of Sandpura, Police Station Khalra, Lahore.		Acquitted.	
92.	*Teja Singh, son of Lal Singh, of Chak 75, Khurianwala, Lyalpur.		Was made an approver in the course of the trail.	
93.	*Thakar Singh, son of Suba Singh, of Thatian, Police Station Sirhali, Amritsar.	121	Transportation for life and forfeiture of property. Recommended for mercy.	3 years' rigorous imprisonment.
94.	Thakur Singh, son of Katha Singh, of Waltoha, Lahore.		Acquitted.	
95.	*Thakar Singh, son of Kharak Singh, of Khile, Police Station Vairowal, Amritsar.		Discharged.	
96.	*Udham Singh, son of Jiwan Singh, of Ladupura, Police Station Kahnowan, Gurdaspur.	121	Transportation for life and forfeiture of property. Recommended for mercy.	7 years' transportation.
97.	*Ujagar Singh, son of Gurdit Singh, of Munda Pind, Police Station Sirhali, Amritsar.		Discharged.	
98.	*Uttam Singh, *alias* Ragho, son of Jit Singh of Hans, Police Station Jagraon, Ludhiana.	121, 395, 302/109	Death and forfeiture of property.	Death and forfeiture of property.
99.	*Wadhawa Singh, son of Jhanda Singh of Dugri, Police Station Tarn Taran, Amritsar.		Discharged.	
100.	*Wasakha Singh, son of Ishar Singh, of Dudher, Police Station Sirhali, Amritsar.	121	Transportation for life and forfeiture of property. Recommended for mercy.	7 years' transportation.
101.	Sawan Singh, Chamar, of Nandpur Kalour, Patiala State.		Absconding.	
102.	Harnam Singh, son of Narain Singh, Lambrdar, of Wan, Police Station Sirhali, Amritsar.		Discharged.	

Note 1. Approvers:

1. *Amar Singh, son of Dasaunda Singh, of Samandpur, Police Station Rahon, Jullundur.
2. Anokh Singh, son of Gujar Singh, Jat, of Rampur, District Ludhiana.
3. Arjan Singh, of Daudhar, Police Station Moga, Ferozepore.
4. *Bachan Singh, son of harnam Singh, of Dhudike, Polie Station Moga, Ferozepore.
5. *Balwant Singh, son of Indar Singh, of Barar, Police Station Lopoke, Amritsar, ex-Sowar, 23rd Cavalry.
6. Bhagat Singh, son of Nidhan Singh, of Ballowal, Police Station Dehlon, Ludhiana.
7. Ganda Singh, of Chola, Police Station Sirhali, Amritsar.
8. *Kala Singh, Jat, of Bhure, Police Station Tarn Taran, Amritsar.
9. Mul Singh, Granthi of 23rd Cavalry.
10. Nand Singh, son of Buta Singh, Jat, of Daudhar, Police Station Moga, Ferozepore.
11. Natha Singh *alias* Bidhi Chand, Granthi, son of Labh Singh, of Sursingh, Police Station, Khalra, Lahore.
12. Puran Singh, son of Inder Singh, Jat, of Barar, Police Station Lopoke, Amritsar, ex-Lance Daffedar, 23rd Cavalry.
13. *Sundar Singh, son of Jhanda Singh, of Wadali Guru, Police Station Sadr, Amritsar.
14. Sunder Singh, son of Wadhawa Singh, of Asa Majra, Nabha State, formerly of Jhaner.
15. Surain Singh, son of Jhanda Singh, of Wadali Guru, Police Station Sadr, Amritsar.
16. Teja Singh, son of Lal Singh, of Chak No. 75, Khurianwala, Lyalpur.
17. Udham Singh, son of phuman Singh, of Hans, Police Station, Jagraon, Ludhiana.
18. Wasawa Singh, son of Hakam Singh, of Lohke, Police Station Sirhali, Amritsar-ex-Lance-Daffedar.
19. *Jhanda Singh, son of Desa Singh, Jat, of Thikriwala, Police Station Rahon, Jullundur.
20. *Amar Singh, son of Uttam Singh, Rajput, of Nawanshahr, Police Station Rahlon, Jullundur.
21. *Mula Singh, *alias* Punjab Singh, son of Jawala Singh, Jat, of Mirankot Kalan, near Amritsar town, District Amritsar (Also approver in the Lahore Conspiracy Case.)

22. *Jawala Singh, son of Roda Singh of Gurusar, Police Station Kot Bhai, Ferozepore. (Also approver in the Lahore Conspiracy Case.)
23. *Nawab Khan, son of Ghauns Khan, Rajput, of Halwara, Police Station Raikot, Ludhiana. (Also approver in the Lahore Conspiracy Case.)
24. *Udham Singh, son of Sohan Singh, of Padri, Police Station Tarn Taran, Amritsar.
25. Ichhra Singh, son of Bahal Singh, of Lohatbandi, Nabha State.
26. Narain Singh, son of Bakhshish Singh, of Lohatbadi, Nabha State.
27. Sucha Singh, son of Daya Singh, of Isewal, Police Station Dakha, Ludhiana.
28. *Umrao Singh, son of Rulia Singh, Jat, of Jhabbewal Bholapur, Police Station Sahnewal, Ludhiana.
29. Dalip Singh, son of Hazura Singh, Jat, of Jhabbewal Bholapur, Police Station Sahnewal, Ludhiana.

Note 1. The asterisk mark indicates that the person was a returned emigrant.

PART V

Individual Cases (L.C.C.-II)

INTRODUCTORY REMARKS

Before discussing the cases of individual accused it will be convenient here to insert again for ready reference a few important dates, and a few notes regarding the identifications, and the like.

We would again emphasize that, in going through the individual cases, it is absolutely essential that the reader should bear in mind throughout the conclusions regarding various points of law at which we have arrived in previous portions of this judgment.

It is not really necessary to rehearse at length the dates of American meetings, which will be found in our last judgment. Besides, enough has been said about them in the Historical portion of this judgment.

The dates of various meetings and fairs in India may be tabulated as follows:—

Ladowal meeting		...	...	17th November 1914
Moga	”	...	...	19th November 1914
Phagwara	”	...	...	12th November 1914
Badowal	”	...	...	23rd November 1914
Nankana	”	...	...	2nd November 1914
Khanna	”	...	...	September 1914
Chamkor	”	...	...	19th December 1914
				In some of the charges, by an error, the date was entered as “on or about the 19th January 1915.”
Gujarwal	”	...	...	14th February 1915
Dhandari	”	...	...	17th February 1915

Narangwal (at the house of accused 69)		19th February 1915
Khasa "	... ...	The end of October 1914
Dhaudar culvert meeting	...	2nd June 1915
Kapurthala meetings (for raids)	...	5th June 1915
"	... ...	12th June 1915
Jhar Sahib meetings	... ...	23rd November 1914
"	... ...	26th November 1914
Khairon and Sarhali meetings	...	27-28th November 1914
Proposed Mian Mir attack	...	25th November 1914
Proposed Ferozepore attack	...	19th February 1915
Lohatbadi meetings	...	8th and 17th *Magh* = the 20th and 29th January 1915

DATES OF FAIRS

Taran Taran *Masya*	... ...	17 November 1914
Killi ...	... ...	19th March 1915 (reference to approver Bhagat Singh's Diary)

DACOITIES

Sahnewal ...	... ...	23rd January 1915
Mansuran ...	... ...	27th January 1915
Jhaner ...	... ...	29th January 1915
Chabba ...	... ...	2nd February 1915
Rabhon ...	... ...	3rd February 1915

OTHER DATES

Basant Panchmi = 8th *Magh* = 20th January 1915

8th *Phagan* = 19th February 1915

Raid on Lahore *ghadr* house	...	19th February 1915
Walla Bridge attack	... ...	11th June 1915

IDENTIFICATIONS

We may say at once that we are entirely satisfied that the identifications on Jail parades conducted by Mr. Scott, Mr. Donald, and the Police Officers have been conducted with scrupulous fairness.

On Jail parade P.W. Ichhar Singh made out that his "eyes were too bad" for him to identify; but see the evidence of Mr. Scott (page 38) re the opinion of Major Ward, Superintendent of Lahore Central Jail (now Inspector General of Jails, Punjab).

Approver Bhagat Singh has some defect in his left eye.

Approver Kala Singh attended no Jail parades.

P.W. 39 Mt. Nihal Kaur would identify no one on Jail parade (*vide* note at the bottom of page 53).

Her husband P.W. 27 Indar Singh of Khanna, gave in court as his reason for not identifying several person on Jail parade that "his *aql* advised him not to."

Accused's ages at the headings of the cases have been entered as stated by them.

Lastly, we would add that throughout we have attached due weight to the fact that all confessions were retracted. We have borne in mind that certain accused have of course, been unable to produce witnesses from America and abroad; and also, that a number of witnesses summoned by Mr. Saunders on behalf of his clients from the 26th Punjab Infantry, to prove that P.W. Jamadar Buta Singh was himself under a cloud, could not be produced owing to the regiment having gone on Field Service. In making recommendations to mercy, and in awarding sentences, we have endeavored, to the best of our ability, to differentiate between accused as to the measure of their guilt; and we have borne in mind the length of time that some of them have been in custody.

The accused who were returned emigrants:

1, 6, 7, 8, 9, 12, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 28, 29, 32, 33, 36, 37, 40, 44, 45, 48, 51, 53, 55, 56, 57, 58, 60, 62, 63, 67, 70, 73, 75, 78, 81, 83, 85, 86, 87, 92, 93, 95, 96, 97, 98, 99, 100.

DESTINATION: HAZARI BAGH

Since Andemans' 'monsters' had burnt their fingers too badly while handling 40 or so I Case convicts, who had landed there three months go:

Listen to their 'woes':—

(A) Demi-official letter from the Hon'ble Mr. H. Wheeler, C.S.I., C.I.E., Secretary to the Government of India, Home Department, to the Hon'ble Mr. H.D. Craik, Officiating Revenue Secretary to the Government of the Punjab, no. 1873, dated the 9th June 1916.

We have some very difficult questions on about the accommodation of seditionist prisoners in jails. The correspondence resting with your letter no. 20-Jails-4, dated the 29th March 1916, will recall the general facts. The Andamans are protesting against keeping large numbers there, and want, in fact, to send 22 of the Lahore conspiracy men back to India; also if possible to get rid of others.

The whole problem is perplexing, and Sir Reginald Craddock would like, with His Honour's consent, to discuss it with some one from the Punjab. Cleveland mentions Major Ward as a person well able to advise, but that is merely a suggestion.

The time and place of meeting is 3 P.M. on Tuesday 13th in Sir R. Craddock's room in Gorton Castle, and if this could be arranged we would be much obliged.

(B) This was discussed yesterday with Hon'ble Member, Sir C. Cleveland, Mr. Hare-Scott, Mr. Craik, Major Ward and myself.

2. The return of the Lahore Conspiracy convicts mentioned by Mr. Hope Simpson to the Punjab was strongly opposed by the two local representatives. The general argument was that the provincial jails were overcrowded; cellular accommodation was inadequate and bad; the men were most dangerous, as had been shown by past experience of them, and their presence in jails not far removed from their homes and with a strong Sikh warder element could not but be prejudicial. Major Ward gave it as his opinion, in fact, that these men should not be allowed to return to India at all, and that they were possibly giving trouble in the Andamans in the hope of being

sent back. It was further represented that there were 35 men sentenced in the Supplementary Lahore case whom the Lieutenant-Goveror was anxious to send to the Andamans.

3. After discussion it was decided:—

(a) That the 29 men named by Mr. Hope Simpson must remain in the Andamans.

(b) That in follows that the Settlement cannot be relieved of a further 29 and kept at a minimum of 15 seditionists.

(c) That in the face, however, of the attitude of Port Blair it is impossible to send there the further 35 men mentioned.

(d) That as they should not be left in the Punjab, the only alternative is to try and distribute them in Madras, Bihar and Orissa and the Central Provinces.

(e) That in order to relieve the pressure on the cellular jail in the Andamans, ordinary transportations might possibly be reduced in number, and that enquiry should be made of the Superintendent as to his wishes in this direction.

It was recognised that the solution was not ideal, but it was a choice of evils, and of the two this course seemed the less open to objection.

4. I submit drafts to the Superintendent and to Madras, Bihar and Orissa and the Central Provinces.

It was arranged verbally with Mr. Craik that the 35 convicts in the Lahore Conspiracy case must stand fast pending further communication as to where they can be sent.

H. Wheeler, — 14-6-16.

I think that Port Blair should also be asked to make recommendations, if he thinks paid staff of cellular jail requires to be strengthened in view of risk of combination among dangerous conspirators.

Otherwise, I agree, that we can do nothing more at present. But I think that we must devise at leisure a better way of dealing with revolutionary convicts than we have yet arrived at. I am inclined to revive the Asirgarh scheme, an old fortress, on an isolated bill, surrounded by jungle, with no large town close at hand, manned entirely by European warders, seems to me to be the best solution.

R.H.C. [raddock],—14.6.16

(C) *Demi-official letter from the Hon'ble Mr. H.D. Craik, Revenue Secretary to the Government of the Punjab, to S.R. Hignell, Esq., Deputy Secretary to the Government of India, Home Department, dated Simla, the 20th September, 1916,*

With reference to our conversation on the telephone the other day, I am directed to say that the Lieutenant-Governor agrees to the proposal that all the prisoners sentenced to transportation in the Lahore Supplementary Conspiracy trial should be confined together in the **Hazaribagh Jail in Bihar and Orissa**. But the accommodation should, if possible, be of the cellular type, and short-term convicts should, so far as may be practicable, be segregated from the more desperate men with life sentences.

As the Government of India are aware, it was recently discovered that men of this type in the Lahore and Rawalpindi jails were plotting outrages of a serious character including in one case the murder of the Superintendent and in another the manufacuture of bombs. It is therefore desirable that the warders to be employed in guarding these prisoners should be men of resolute character and proved integrity.

(Political A. Pro, July 1917, Pro No. 479 National Archives, New Delhi)

JAIL ESCAPE — 8-9 MARCH 1918

CONFIDENTAL.

NOTES.

POLITICAL — A NOVEMBER 1918.
Nos. 130-141.

REPORT REGARDING THE ESCAPE OF PUNJABI STATE PRISONERS FROM THE HAZARIBAGH CENTRAL JAIL — AND SANCTION TO CERTAIN ADDITIONS TO THE EXISTING SUBORDINATE STAFF OF THAT JAIL.

Hazaribagh Jail was selected for the confinement of these and other special prisoners from different provinces on account of the fact that it is 40 miles distant from the railway. The town is surrounded within a radius of few miles on all sides with a belt of sparsely inhabited jungle extending on the south-west almost continuously to Palamau District and on the east to the border of the Manbhum coalfields. While the position of Hazaribagh makes it difficult for any escaped prisoner to get away by the railway, the surroundings afford excellent hiding-places.

These prisoners since their arrival had been confined in separate cells constructed for their reception. The Jail was guarded by a special staff of selected warders upon higher pay than drawn by the ordinary staff of the provincial jails, while a reserve guard consisting of 28 Gurkha military police was supplied to the Jail to meet any emergencies.

In July 1917 the first batch of Punjabi prisoners was received into the jail. From the beginning they gave trouble and refused to work, and when an attempt was made to enforce discipline they went on hunger strike. With a view to breaking up the combination, the more tractable prisoners were removed from the association of their mutinous comrades, and certain concessions were made by the Superintendent of the Jail, including the removed of fetters from the best-behaved, in the hope that this would encourage the others to adopt a more reasonable behaviour and to settle down to the ordinary routine of imprisonment. It was clearly undesirable to keep all these prisoners permanently in irons and confined in separate barred cells, and, although events have proved that the leniency shown to them was abused, His Honour in Council is not disposed to blame the Superintendent for the action takn by him in the matter. This is also the view of the Committee of Enquiry.

On the night of the 8th-9th March, two of the prisoners (Sucha Singh Natha Singh — Eds.) whose fetters had been removed escaped from their cells through ventilation spaces which had been inadvertently left unbarred. The way in which they effected their escape is explained in the following extract from the Committee's Report:—

"Of the 45 Punjabi seditionist prisoners confined in the Hazaribagh Jail 19 were confined in Ward No. IV. This was an old ward which had been converted into cells in the year 1917. Under the roof along this ward there exists a certain amount of air space, and

half way up this air space there runs an iron bar parallel with the roof, which has been inserted to prevent an exit through the air aperture. The Punjabi prisoners ascertained that this iron bar was not continuous and contained gaps, the widest of which was over cell No. 99, the next widest being over cell No. 103. They further ascertained that if a man was able to climb up he could force his body through both of these apertures. This was ascertained by climbing up the open barred doors of the two cells during the day time when they were supposed to be locked but were not, one man climbing up and one man holding the door open. Each cell has three air spaces divided by wooden beams. The height of the widest aperture in cell No. 99 was 9 inchs, in cell No. 103 it was 7½ to 8 inches. Both these spaces were made more practicable by the removal of bricks from the inside which were raised by hand and carefully placed inside another aperture. The evidence of Harnam Singh is that this was done by day. It may have been done also by night, previous to the night of the escape. The next difficulty to overcome was to devise means of climbing up to these apertures by night, since it was only possible to climb up by means of the barred doors when those doors were held open. For this purpose, *gamchas* (thin towel — Eds.) were secreted, one of which was found hanging from a beam in cell No. 99 and another from a beam in cell No. 103 with their ends hanging down. This enabled a man climbing up the door to raise himself to the height of the air space. Experiments showed that it was possible for persons of moderate size to get through the aperture in cell No. 99, head first. Similar experiments failed in cell No. 103, but on attempting to get through the aperture, feet first, a Gurkha sepoy was successful. He raised himself first to the height of the beam by means of the *gamcha*; then letting go the *gamcha* he embraced the beam with his arms: he was thus able, though with difficulty, to force his body, feet first, through the aperture. We were informed that the occupant of cell No. 103 was a trained gymnast. The next difficulty was to place the *gamchas* in position without their being detected when the cells were examined at lock up. For this purpose, during the day of the 8th, strings were placed over the beams it was desired to utilize. These strings escaped detection, and after lock up the *gamchas* were drawn into position by means of them. Probably a little after 1 a.m. on the night in question the occupants of cells No. 99 and 103 (Sucha Singh and Natha Singh

— Eds.) made their escape in this way through the apertures in their cells."

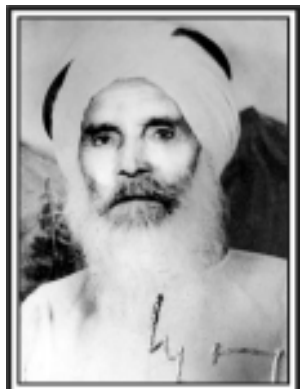
Having escaped from their cells, the two prisoners descended from the roof into the court-yard of Ward No. IV, surprised and gagged the sentry on guard over the block, waylaid on his rounds and gagged the patrolling Head Warder, who had been entrusted with the keys of all the cells in which the Punjabi prisoners had been confined, and possessed themselves of the keys, with which they released their 17 fellow-prisoners who were confined in the same block. They were proceeding to attempt the release of the prisoners in the other blocks when the alarm was given by the patrolling police outside the jail, who heard the noise caused by the advance party of the prisoners scaling the wall. Upon the sound of the alarm, 18 out of the 19 prisoners of ward No. IV escaped over the wall, the last man (Wasakha Singh — Eds.) being unable to climb it unaided from below. Of the 18 prisoners who thus escaped, five injured themselves in dropping from the wall and were recaptured next day at a short distance from the jail (Harnam Singh, Kesar Singh, Lal Singh, Pakhar Singh and Sunder Singh —Eds.), and two (Hira Singh and Jinder Singh — Eds.) were recaptured on the following day six miles west of the Hazaribagh. The remainder took refuge in the jungle which runs continuously from Hazaribagh south of the Grand Trunk Road to the borders of the United Provinces, and, in spite of the most strenuous pursuit by the police, evaded capture for two weeks. Eventually, six of the fugitives (Arjan Singh, Ganda Singh, Gujjar Singh, Indar Singh, Pala Singh and Sajjan Singh, were captured by a mob of locals, who assaulted them, causing a big wound on the jaw of Gujjar Singh and to the rest of them too, on 3.4.1918. — Eds.) were captured at Sassaram and two more much later at Benares (Hari Singh and Natha Singh — Eds.) while three, Budha Singh, Teja Singh and Sucha Singh, are still at large (Budha Singh — surrendered long after, in 1930. Tortured to death in Rawalpindi Jail. Died there on 24.01.1931. Sucha Singh — Re-arrested long-long after on 26th November 1937 in the guise of a Sadhu at village Rurr in district Ludhiana and got another life term in Jail. Teja Singh could never be re-arrested. — Eds.). The 15 recaptured prisoners have been prosecuted under section 224, Indian Penal Code, for escaping from lawful custody and have been sentenced to two years' rigorous imprisonment each.

1. Amar Singh, son of Buta Singh of Kotla, Police Station Hariana, Hoshiarpur.

[Discharged, but convicted in the Second Supplementary Lahore Conspiracy Case. — Eds.]

2. Arjan Singh, son of Lal Singh, Jat, of Jagraon, District Ludhiana, aged 22 (probably older):—

[A Jail Escapee captured along with 5 others, namely, Ganda Singh, Kesar Singh, Gujjar Singh, Inder Singh, Pala Singh and Sajjan Singh on 03.04.1918 after an encounter with a mobe of locals. — Eds.]



Arjan Singh

This accused, who pleaded "Not Guilty" to the charges framed against him, (page 569), is not a returned emigrant. He was arrested on June 6th 1915, at Chitthi in company with accused Bir Singh and 2 others.

He was identified on Jail parades by the following approvers and witnesses:— Udham Singh of Hans, Bhagat Singh, Bachan Singh, Amar Singh, II, Arjan Singh, Nand Singh, 56 and 59; and by the same persons in Court before us.

Approver Bhagat Singh (page 171) makes a lengthy statement with regard to this accused; and fixes certain dates with reference to his diary, Exh. P.15. According to him, one Kartar Singh, mentioned in that diary, is a relation of this accused This approver states that he stayed with accused from the 23rd to 25th of February 1915 at Jagraon; and, during his stay won over accused to his revolutionary views. He gave accused wire-cutters (Exh. P. 46) and files to bury — which the witness had received from accused 23 Harnam Singh, of Gujarwal, and, when the witness left on the 26th for the projected attack on Doraha Bridge the accused was not only acquainted with the object of the witness's journey to that place, but furnished him with Rs. 3 for expenses. That projected attack, as we know, proved abortive; and the witness returned to accused's house. A little later, the witness meets Kapur Singh (who was discharged by this court) at the house of accused; and on March 6th goes with Kapur Singh

to Gurusar Kaunke, because the accused told him that approver Arjan Singh would introduce them to "men of the party". On the 9th the witness goes to meet Ishar Singh accused, and meets accused and Kapur Singh aforementioned, and all 3 of them go to Jagraon. On the way there, the accused tells witness that Nand Singh (convicted in the first Lahore Conspiracy Case) has been arrested, and that he is afraid that (as a result) the Doraha bombs may be discovered; so on the 10th the witness leaves for Doraha and finds that the buried bomb have disappeared. At page 172 the witness speaks of a proposed dacoity at Ghalib village, which he learnt about from this accused.

On March 15th the witness visits accused, and next day gives him chemicals, got from Khazan Singh, druggist to conceal. On the 17th the witness and accused takes the chemicals, and visit Bhola Singh of Rumi, to whom accused wishes to introduce the witness "so that witness could be put up at his house when necessary."

On the 19th accused comes to Gurusar Kaunke with the wire-cutters, files, sword handle and dagger (Exhs. P. 48, 49) which had been deposited with him, and goes on with the witness to a fair at Killi village At that fair the witness and accused both gave lectures in the *Singh Sabha*, and accused recited revolutionary verses — a line of which the witness recited in court. Accused and the witness go on to Ghalib and preach sedition there; thence to Daudhar, where they meet approver Nand Singh On the 21st accused and Kapur Singh (as previously arranged) meet the witness at Ajitwal; but the projected dacoity is abandoned for lack of men. Later we find accused attempting to preach sedition after a *Bhog* ceremony at Kaleron; but the witness tells us he was stopped. To continue the same witness story, on May 27th (that is, after the witness' arrest and release) accused and Kapur Singh visit the witness, and accused says that Kapur Singh is tried of being at home, and wishes to serve his country. On the 28th witness finds accused at his threshing-floor, who gives him (the witness) 3 papers in Gurmukhi (seditious verses) with some English print on them (Exh P. 50); and the same day Kapur Singh brings certain chemicals, etc., to witness, along with accused's bag, which has been identified as Exh. P. 55. On the 31st accused warns witness that accused Mohindar Singh of Dhudike, suspects him and contemplates his murder; and later, the witness hears of accused. arrest along with Kapur Singh (the youth whom this Court discharged).

There was scarcely any cross-examination of this approver, who

stated that he had known this accused long prior to the present case; and who from his diary was able to fix the date of the Killi fair as March 19th. He stated that accused and others at one time suspected him of being a Police spy.

The defence have endeavored to make out from various prosecution witnesses that this accused is afflicted with a stammer; that is to say, that he would not be a likely person to go lecturing. A few witnesses have been prepared to say that he "stammers slightly;" but those who say that he is "hesitating in his speech" are correct; and all that we have ourselves observed is that accused is a slow deliberate speaker.

Approver Bachan Singh corroborates on the point that accused and Bhagat Singh delivered seditious lectures at Killi fair, and had to clear out when Police arrived on the scene. He further states that accused, along with Kapur Singh (discharged) used to visit the joint well of accused Pakhar Singh and the witness where Ghadr discussions used to take place. He mentions meeting accused and Kapur Singh outside Kapurthala Station, and as present at the assembly in the garden there on June 5th. It will be remembered that assembly was in connection with the proposed looting of the Kapurthala Magazine. On the night of June 12th, the witness hears from the Kapurthala Havildar of the arrest by Baurias of the accused along with Buta Singh (hanged for the murder of Chanda Singh, *Zaildar*), accused Bir Singh and Kapur Singh discharged. The only thing elicited in cross-examination from the witness was that accused "stammered slightly," and that the witness had only met him 3 times in all (page 194).

We quite fail to see why either of these approvers should be speaking falsely; and the same remark applies to other approvers also.

Approver Udham Singh of Hans tells us of his meeting accused, whom he had not seen before, along with approver Bhagat Singh and Kapur Singh at Jagraon Railway Station. Bhagat Singh had a canvas bag similar to Exh. P. 55; and later, after accused had left, Bhagat Singh showed the witness that it contained a swort-hilt, big knife, pliers and wire-cutters and bomb materials (Exhs. P. 49, 48, 46, 47) this witness has only known accused since last May (page 213).

Approver Arjan Singh states that he reached his village on January 17th, 1915, on return from Penang, and found accused in the village, who said he had been to see the *Rikabganj Gurdwara*; and the witness told accused that many men were coming from Canada who would restore

it to its original condition. About the beginning of March 1915, approver Bhagat Singh brings a message from accused that accused wishes to form a party of his own, and wishes the witness to join it; and Bhagat Singh further tells the witness of instruments for cutting wire and railway lines. After the Killi fair Bhagat Singh comes with accused and tells the witness that he (Bhagat Singh), accused Phera Singh and this accused (whose name was added by this witness in our court with respect to this incident) had preached sedition at the fair; and on this occasion Bhagat Singh asked the witness to join in a proposed dacoity for March, the 20th or 21st, which the witness declined to do. This dacoity of course, was the proposed dacoity at Ghalib referred to by approver Bhagat Singh.

Approver Arjan Singh goes on to tell us that a few days before Bisakhi accused comes with Kapur Singh (whom the witness has described), and speaks of leaving his village for good to join the Ghadr cause; and the witness advises them to interview accused Phera Singh. Soon after, both return saying that accused has hurt his foot, and the witness arranges to put him up. About the 25th May accused tells the witness that he intends to join accused Ishar Singh party; and this witness distinctly asserts that accused attended the Daudhar assembly of June 2nd, and was appointed one of the committee of five persons re the proposed attack on Kapurthala Magazine for June 5th. Practically, the only question asked of this witness in cross-examination was whether he and accused had been together in Amritsar *havilat*;- this the witness denied (page 202).

Approver Nand Singh also mentions accused in connection with the preaching of sedition at Killi fair, but his information is not first hand. He states that later the accused came with approver Bhagat Singh to approver Arjan Singh house where witness learnt his name from Arjan Singh. Accused them told those present of a proposed dacoity at Ghalib for the purpose of getting money to buy arms, said that men from Dhudike and Chuhar Chak would assist, and that all should assemble at Kaunke Gurdwara on March 21st. A few days after that date accused, accompanied by Kapur hey Singh, come enquiring why the witness did not turn up for that dacoity. This witness corroborates approver Arjan Singh as to the coming of Kapur Singh and accused to Arjan Singh when accused was suffering from a sore foot. He also corroborates as to accused presence at the Daudhar assembly on June 2nd; and says (page 237) that accused volunteered to accompany Kapur Singh to fetch bomb materials which

had been buried by Bhagat Singh, and that accused Ishar Singh gave him a rupee. Nothing of any value was elicited in cross-examination.

Approver Amar Singh II, who has stated that he himself only belonged to the Ghadr party for some ten days, has also mentioned this accused as at the Kapurthala assembly of June 5th-this evidence being in corroboration of approvers Bachan Singh and Arjan Singh.

P.Ws. 56 and 57 corroborate re the Killi fair incident, the latter being a *Lambardar*. According to them, accused made a speech lasting a quarter of an hour or more; and they deny that it had anything to do with petitioning Government. They assert, on the contrary, that it was seditious, and that accused had to be stopped. P.W. 56 was able in Court to identify approver Bhagat Singh as accused companion at Killi; and P.W. 57 stated that accused had a paper in his hand, and said that he was wandering about "making a bandobast" and denied that he had any reason for enmity with accused. P.W. 59 states that accused and Bhagat Singh spoke sedition at Fateh Singh of Rumi's *bhog* ceremony, and denies that accused was ever his *shagird*. Fateh Singh himself is dead.

P.Ws. 67 (Head-Constable of Kapurthala Police), 68 (Sub-Inspector of Jullundar Sadr), and 69 (*Lambardar* of Chitthi) give evidence as to the arrest of accused in Chitthi Gurdwara along with accused Bir Singh and Buta Singh and Kapur Singh (*vide* Ruqa Exh. P. 77).

P.W. 220 (Inspector Iqram-ul-Haq) has stated that accused on June 18th, at Kapurthala, identified Kala Singh (Walla Bridge murderer). Questioned by Defence Counsel, the witness has-denied that there was ever any intention of making this accused a witness in this case

Additional corroborative evidence against this accused is also afforded by the confessions of the two co-accused 62 and 64 (Pakhar Singh and Pala Singh), both of whom mention him in connection with the Daudhar assembly, and the proposed raid at Kapurthala.

The accused's statement before this court will be found at page 379 of this Court's printed record; it is fairly lengthy, and at the end of it we have recorded the note — "speaks slowly, but does not stammer". It consists mainly of a denial of the allegations against him. He denies going to Killi fair, and says he was ill at the time. He denies that the bag (Exh. P. 55) is his. He admits having known approver Bhagat Singh for some 2 years; admits that he has no enmity with him; but can only suggest that that approver is lying to save his own skin. At the time of the Daudhar meeting of June 2nd 1915 he was, he says engaged in

harvesting. He denies knowing approver Amar Singh II, at all; and says that he also is "lying to save his skin." He was, of course, obliged to admit his arrest at Chitthi; but denied knowing when and where accused Bir Singh and Buta Singh were arrested; and arrested that he and Kapur Singh had come to read religious books at a *dera* outside the village, and were (wantonly) arrested. He alleges Police ill-treatment to make him implicate others; and winds up with recital of his relations' war services.

This statement certainly shows no good reason why we should suppose that the above-mentioned prosecution witnesses have endeavored to falsely implicate this accused; the corroborations in their statements on various points are apparent; and there was nothing elicited in cross-examination of any value to this accused.

His defence witnesses are D.Ws. 310 to 324 inclusive.

(Mt. Daya Kaur His mother, by the way, was called as a defence witness for accused Randhir Singh; but was not called to testify to her own son's alleged illness.) We may say at once that the evidence of those witnesses is utterly unconvincing. Some of them assert that, on the day of the Killi fair, accused was ill with fever. D.W. 312 tells us that the physician who treated accused is dead. The witnesses include at least 3 relations, and two persons who have land mortgaged to accused father. A few witnesses speak of the services of acussed's relations, and of a *bhog* for victory got up (on the day of Killi fair) by accused's mother (whom accused did not produce). Though accused himself distinctly stated that he had no enmity with approver Bhagat Singh, it was actually thought worth while to produce D.Ws. 320 and 321 to tell an utterly unconvincing story of a quarrel with that approver's father over an alleged marriage affair.

As regards arguments the Defence Counsel has urged that it was approver Bhagat Singh who poisoned the mind of this accused, and no doubt this was so. We are unable to see where the difficulty lay in accused's learning of the arrest of the important revolutionist Nand Singh (Lahore Conspiracy Case); or to accept the suggestion that Bhagat Singh "when tramping about" learnt of the arrest, and has simply attributed this item of information to accused in order to show that accused had Ghadr acquaintances. It is equally futile to suggest that accused "could not have heard" of the burying of the Doraha bombs, or of a proposed dacoity at Ghalib; and as regards the latter incident, not only Bhagat Singh, but Nand Singh also makes mention of this accused. It is true that, there is no corroboration of Bhagat Singh's statement re accused's

possession of bomb chemicals; but we fail to see why Bhagat Singh should have invented this; and, had it been desired to concoct false evidence, it would have been easy enough to have also concocted some corroborative evidence on the point. The Defence Counsel is mistaken in trying to make out that, whereas Bhagat Singh from his diary fixes 19th March as the day of the Killi fair, the date (according to defence witnesses) was the 17th March, i.e, the 4th of Chet-the calendar clearly shows that the 4th Chet Sudi is equivalent to the 19th March 1915, and counsel on seeing the official calendar, withdrew the argument.

Counsel was also mistaken in urging that the Prosecution were anxious to make out that accused stammers-it was the defence who were anxious to prove this in order to show that his speech at the Killi fair was a pure invention. As we have said before, he does not stammer, but is a slow, deliberate speaker. As regards the question, how did accused become possessed of seditious verses and a sword-handle and dagger, it would have been simple enough for the defence to have cross-examined regarding this, if any doubt was felt. The accused's Counsel urged, finally, that if his client has done anything wrong, his acts were occasioned by "dementia".

We are unable to agree with him; and we agree with the Crown Counsel, who has practically confined his remarks in argument to saying that there is an overwhelming case against this accused. He has also urged that accused is technically guilty of abetment of the murder of sepoys at the Walla Bridge, by reason of the agreement to come at the Kapurthala assembly of June 5th, 1915, at which accused was present.

We are satisfied that the accused abetted the attack on the Doraha Bridge by giving money for expenses, that he abetted the waging of war by delivering seditious and revolutionary speeches, that he abetted the waging of war and murder by abetting the Walla Bridge murders, and by being present for the proposed assault at Kapurthala, and by being in possession of bomb chemicals; and of conspiring to wage war by associating and helping other revolutionists, as disclosed by the evidence.

We accordingly convict him under Sections 121, 302/109, 121 A, and sentence him to transportation for life; and direct that all his property, liable to forfeiture, be forfeited to the Crown.

[Presumably, the last among the 1914-15 Ghadrites to expire on 19th October 1991. His heroic Mother Mata Daya Kaur, had warned her son (the sole surviving issue after having lost 6 of her children till then) not to betray the Holy Fraternity (Bhai Randhir Singh) and she would prefer to die issueless than carrying the stigma of being mother of a renegade. Prof. Waraich had been meeting him a number of his fellow Ghadrites who were all praise for this valiant Mother. While every other mother upon their visit to their sons would wail and cry, only this Mother boosted their morale by exhorting them to be in High Spirits 'Charhdi Kala'. — Eds.]

3. Attar Singh, son of Hira Nand, Khatri, of Dhikampur, Police Station Chakwal, District Jhelum, aged 27 (Ex-soldier):—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 570) is not a returned emigrant. He was arrested on the 29th July 1915.

He was identified on Jail parade by the following approvers and witnesses:—

Sundar Singh (A.M), Udham Singh of Hans, Bhagat Singh (seen him somewhere, probably at Ferozepore), 42, 112,114, and 320.In court by Sundar Singh (A.M), Bhagat Singh (who at first wrongly identified him as accused Lal Singh), Udham Singh of Hans, Indar Singh of Khanna, Teja Singh of Samrala, Mt. Nihal Kaur; and P.W. 349 (who merely stated that he used to come to the *Khalsa* School for prayers).

Approver Arjan Singh mistakenly in court identified him as accused 63. Pala Singh, P.W. 112 (the points man), failed to identify him in court; and Indar Singh of Khanna explained to us his failure to identify this accused and others on Jail parade by saying, **"My *aql* told me not to," and so deliberately refrained from identifying him.**

Approver Sundar Singh (A.M) states that accused attended the large meeting at Lohatbadi when resolutions were passed re the *Rikabganj gurdwara*, Santok tank and others matters; and was with accused Randhir Singh at the meeting at Indar Singh's house in Khanna during *Asuj*, when the same resolutions were passed. Those two meetings were, of course, not seditious. In the month of *Poh*, accused was present at the non-seditious meeting at Chamkaur Sahib. He also attended the Granta Sahib recital at the house of Ram Singh, Reservist, at Gujarwal; and the subsequent secret meeting at which accused Randhir Singh announced that the date for a rising would soon be given out. According to this witness, accused accompanied Randhir Singh to that meeting, and left

with him afterwards for Dhandari. The witness also mentions accused as joining the train at Mullanpur on the 19th February 1915 with the Randhir Singh's party, and going on to Ferozepore.

Approver Bhagat Singh corroborates re Mullanpur, and says that accused was at the reed jungle assembly at Ferozepore, and was, after the failure, with Randhir Singh's party at Phemi Ke Kai Station. In cross-examination the witness denies having seen accused cooking Randhir Singh's food, and admits that he did not at first identify him at Ludhiana Kotwali (page 205).

Approver Udham Singh of Hans mentions accused as one of those at accused Randhir Singh's house on 19th February, at Mullanpur Station and at the reed jungle assembly at Ferozepore; and he is corroborated as regards Mullanpur by P.W. 39 Mt. Nihal Kaur. In cross-examination she admitted that accused had once attended a Dewan ceremony at her house, and qualified her first statement that the men at Mullanpur wore "White clothes" by saying that "some of them were dressed in black."

P.W.27 Indar Singh of Khanna, who mentions accused as having been present at the unobjectionable meeting at Khanna, also asserts that accused attended the secret seditious meeting at Dhandari held after Gurbachan Singh's *path* (compare the statement of approver Sundar Singh A.M.), at which Randhir Singh told those present that a "desh Bhagat" (who, the witness thinks, was Kartar Singh of Soraba-L.C.C.) wanted all there to go to Ferozepore for an attack on the Fort.

P.W. 40 Teja Singh of Samrala corroborates that accused attended the secret meeting at Dhandari; and so does P.W. 42 Ganda Das.

P.Ws. 112 and 114 (both points men of Phem Ke Kai Station), though they failed in court to identify accused, had already done so on Jail parade; and P.W. 320, a Points man at Mullanpur, identified accused on Jail parade as one of those who entrained with others dressed in black.

We have carefully considered the statements of all the above witnesses; and we entirely fail to see why they should have been speaking falsely-while the absence of anything beneficial to accused elicited in cross-examination is apparent.

Accused's statement before this court will be found at page 381, and his supplementary written statement at page 382.

He of course admits his presence at the unobjectionable meetings, and also at the house of Ram Singh, Reservist, where, he says, he was one of the *Granth* reciters; but he denies that any secret meeting was

held. He admits that he and others afterwards went on to Dhandari, but denies any secret meeting there. He denies joining the train at Mullanpur; and all knowledge of the events of the 19th February. He denies even knowing approver Bhagat Singh, and can suggest no reason why his name should have been entered in the diary. He urges that he left the 35th Sikh Regiment on account of ill-health in 1913 after 11 years excellent service. His supplementary statement sets forth that the 2 ceremonies, at Gujarwal and Dhandari, were unobjectionable and even loyal (no doubt they were, but the secret meetings held after them were not). He further alleges that he went on to Nabha with the witness Indar Singh of Khanna, and was set by the police to cook for Randhir Singh, accused, who had been interned. He offers no reason for his own arrest, but says he was released on furnishing security, and was re-arrested because he refused to testify falsely against Randhir Singh re Gujarwal. Approver Bhagat Singh was shown to him (sic) at the Kotwali and Sundar Singh (A.M.) he does not know- but suggests that that approver may have seen him at some annual religious gathering. In short, we are to suppose that the evidence of all the prosecution witnesses is due to Police concoction.

His defence witnesses are D.Ws. 97 to 102 inclusive, 589, 684 and 685 and we have also to see Exh. D. 42. This Exhibit is a discharge certificate showing that accused bore a "good character" in his Regiment; and we give it its full value. The first three Defence witnesses, who say that accused cooked for Randhir Singh, suggest that this accused was arrested because of his association with that accused. D.Ws. 100 and 101 give vague evidence to the effect that accused reads *paths*, and did so on February 12th. D.Ws. 98 and 99 are not prepared to support accused's suggestion as to how approver Bhagat Singh got to know his appearance. D.W. 589 asserts that at Ludhiana one of the Mullanpur points men picked him out as being this accused. D.Ws. 684 and 685 attempt to support an utterly absurd *alibi*, to the effect that this accused was in Ludhiana on February 19th, 1915. One cannot remember the "exact date" and the other gives an absurd reason for recollecting it.

Kahn Singh, accused's brother, referred to by the above witnesses, was never produced.

The Defence Counsel has argued, without any force, that "as the doors were closed at a secret meeting, no one knows what the accused was doing inside." We have the usual argument about the dates of the *Akhand Paths* at Gujarwal and Dandhari with relation to the Ferozepore

raid of February 19th, 1915; and our conclusions regarding them have been given elsewhere. It is urged again that accused was accused Randhir Singh's cook, and was arrested simply because of his association with him. Also, that Ex. D. 42 shows that accused served for ten years, till 1913, in a military capacity with a good character.

We are satisfied on the evidence that accused conspired to wage war, and abetted the waging of war by his presence of at the secret meeting at Gujarwal, and that by going with an armed array to attack Ferozepore he committed the offence of waging war. **We accordingly find him guilty under sections 121, 121 A and sentence him to transportation for life; but considering him to have been led into a life of crime by a pernicious teacher and that the part he played was not a very active one, we recommend him to mercy. — 10 YEARS**

We also direct that his property liable to forfeiture be forfeited to the Crown, but recommend that the penalty should not be enforced.

4. Balwant Singh *alias* Banta Singh, *alias* Harbans Singh, son of Kesar Singh, of Dadher, Police Station Sirhali, Amritsar.

[Absconded, but finally arrested and case against him withdrawn. — Eds.]

5. Bogh Singh (brother of 35), son of Natha Singh, Barber, *Mahant* of Jhar Sahib, Police Station Tarn Taran, District Amritsar, aged 22:—

Bogh Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (page 572), is not a returned emigrant. He is admittedly a *Mahant* employed at the Jhar Sahib, was arrested on the 17th September 1915, and his confession was recorded by a Magistrate on September the 18th.

He was identified on Jail parades by the following approvers and witnesses:- Natha Singh, Mul Singh, *Granthi*, 21 Surain Singh, 15 Jagat Singh of Bhure. In Court by Natha Singh, Kala Singh, Surain Singh and 15 (by name and village) P.W. Sundar Singh (W. G.-approver) did not identify him either on Jail parade or in Court.

As this accused is actually employed at the Jhar Sahib, there is, of course, nothing peculiar about his having been seen there; but we have to carefully scrutinize the evidence as to the circumstances under which he was so seen.

Approver Sundar Singh (W. G.) states that accused was at the Jhar Sahib at the meeting on the night of November 23rd, 1914. He cannot say whether accused was present at the previous meeting, and admits that it was dark when he saw him.

Approver Natha Singh mentions accused as present at the Jhar Sahib meeting of November 26th. He denies having had any quarrel with accused; but admits that he did not mention accused's name to the Police until he identified him on Jail parade.

Approver Kala Singh, who admitted in cross-examination that accused did not lecture at the Jhar Sahib, but served the men assembled with food, states that accused, who succeeded one Natha Singh as *Mahant* of the Jhar Sahib, was present there with his brother and one Channan Singh when Lal Singh of Bhure (Lahore Conspiracy Case) told them that Channan Singh had agreed to join the Ghadr movement. Accused he says, kept silent during this discussion. He asserts, however, that accused read out for some days a Ghadr pamphlet brought by accused Balwant Singh, absconder; and that accused was present when accused Gujar Singh read out the Ghadr and preached, and when Lal Singh of Bhure brought 25 *dhangs* for *chavis*, and gave one Sandhi, *badmash*, Rs 10 to get them fitted. He corroborates on the point that accused served food to the conspirators assembled on the night of November 26th, and states that accused was present with other conspirators at a discussion re the abortive attempt on Sarhali *thana*; that he sent to fetch Surain Singh, deserter, and later brought accused Sucha Singh and another sowar deserter to the Jhar Sah000d saw accused there; his statement to a Magistrate is Exhibit P. 24.

P.W. 172 is Sadar Ali, who has given evidence regarding the feeding of a gang of men at Lal Singh of Bhure's house, and at the Jhar Sahib when accused was present; and this witness and Kapur Singh (the witness in the Lahore Conspiracy Case, who was murdered out of revenge) reported to the Deputy Commissioner of Amritsar. P.W. 194 (the *Mahant* of Shahbazpur) corroborates the statement that accused fetched P.W. Suram Singh and the accused Sucha Singh and Maharaj Singh to the

Jhar Sahib, at his request, where the witness tried to induce them to return to their regiment. P.W. 305 states that accused was at the Jhar Sahib when some 20 men were being fed there, and when Lal Singh of Bhure talked sedition and of a proposal to loot Patti.

P.W. 360 Inspector Harkishan Singh concerns accused's arrest on September 16th, 1915. P.W. 156, whom this Inspector apparently heard about through information afforded by approver Kala Singh, belongs to Gulabpur, only about 2 miles from the Jhar Sahib; and states that during *Katak* he heard accused reading out a seditious pamphlet to approver Kala Singh, Lal Singh of Bhure, accused Jassa Singh and others. This evidence is corroborative of approver Kala Singh's statement; and though the witness was only present for a very short time at the reading, he was able to give us an idea of the matter treated of in the pamphlet, and says that he remonstrated with accused.

P.W. 115 (Sub-Inspector of Tarn Taran) made a report on December 1st, 1914, about the meeting held at the Jhar Sahib, and he states that when, in December 1914 and May 1915, the police made enquiries about such meetings this accused then denied all knowledge of them, though the statements of Lambardars supported the belief that such meetings had taken place. This witness also testifies to the discovery, on information given by accused's brother Jassa Singh (accused 35), by accused on September 17th, 1915 (the day intervening between accused's arrest and confession), of the 2 swords (Exh. P. 89 A.B.) and the knife (Exh. P. 26) from a well and *chhappar* P.W. 116 (a *Lambardar* of the neighboring village Padri) testifies to the recovery of Exh. P. 26, and signed the *fard baramdagi*, Exh P. 88 A. He states that he reported about the Jhar Sahib meetings at the time, and was one of those who gave evidence when Lal Singh of Bhure was put on security.

Accused's confession to the Magistrate (Page 385) is a very full one; and though he asserted before this Court that he simply stated what the police wish him to say, we are not prepared to believe this assertion. According to his confession he was first brought into the Ghadr movement by Lal Singh of Bhure; and we are quite prepared to consider in his favour that the Jhar Sahib, being an out of the way place, was chosen by the conspirators; and that this accused, as its *Mahant*, was placed in a difficult position by their action. He was very much under their thumbs; and no doubt his popularity as *Mahant* would have diminished, had he gone contrary to their wishes. Still, he not only aided them but did not

report to the authorities; made clear denials when enquiries were made; and helped to conceal arms. He apparently did not lecture, but took his turn at reading out the Ghadr. His confession is very fully corroborative of the statements of prosecution witnesses, and contains the names of several co-accuseds. It admits his own feelings against Government, and his discovery of two swords and a knife.

His statement before us, however, is clear denial of the allegations against him; and he even goes so far as to deny that seditious meetings took place at all at the Jhar Sahib. He admits that the police came making enquiries about them. He denies production by himself of the swords and knife and says that approver Kala Singh and he had a quarrel about a Mahantu (he did not cross-examine the witness about this however), and that Kala Singh and the police concocted the discovery of the weapons. He alleges police torture. The statement entirely fails to convince us. So does the written statement on page 444, which is simply a repetition of the allegations of Kala Singh's enmity, ill-treatment by the police, and a repeated assertion that his confession was not voluntary.

Accused's defence witnesses are D.W's 2 to 9 inclusive and 534. The first lots simply make vague assertions about a quarrel between accused and Kala Singh over the *Mahantship*; and say they heard nothing about assemblies at the Jhar Sahib; and P.W. 534 (the Magistrate who recorded accused's confession) simply says that he saw no previous statements, and that no police officer was present when he recorded statements.

In arguments Counsel for the defence failed to impress us. The latter portion of the charge only referred to the keeping of arms to be dug up latter. It was urged that the deserting sowars were not captured in the Jhar Sahib; but only in its vicinity, and we were asked to go through the Dagshai Court Martial proceedings, which we cannot do It was urged that accused is not very old; and that he was in somewhat of a tight place, his institution having been chosen as a rendezvous for conspirators.

The Government Advocate has urged that accused helped to conceal arms; that he actually appeared as a defence witness (D.W. 118) in the Lahore Conspiracy Case for the notorious Lal Singh of Bhure; that he went out of his way to help conspirators; and that he was obviously in the know; otherwise the approver Mul Singh, *Granthi*, would not have been sent to him with signs or pass-words.

Our finding on the evidence, which establishes that accused discussed

revolution at the Jhar Sahib, and made his institution the gathering place for the armed array that proceeded to Sarhali, is that accused conspired to wage war and abetted the waging of war, and we accordingly find him guilty under sections 121-121A, Indian Penal Code. **We accordingly sentence him to transportation to life but in view of the fact that the part played by him was minor one, we recommend him to mercy. — 10 Years**

We also direct his property, liable to forfeiture, be forfeited to the Crown, but we recommend that this penalty should not be enforced.

6. Bir Singh, alias Vir Singh, son of Buta Singh, of Bahoowal, District Hoshiarpur, aged 45:—

Bir Singh

This accused, who pleaded "Not Guilty" to the charges, framed against him (page 574), left Victoria on the 22nd August 1914, and arrived at Calcutta; but he cannot remember the name of the boat he came by. He was arrested at Chitthi *gurdwara* (Kapurthala State on June 6th, 1915), along with accused Arjan Singh, Kapur Singh (against whom the case was withdrawn) and Buta Singh (since hanged).

He was identified on Jail parades by the following approvers and witnesses:– Sundar Singh (W.G., who pointed him out, but could not say where he had seen him); Anokh Singh ("saw him at Ludhiana"); Amar Singh II ("saw him at Kapurthala, and went to his village"); Mula Singh, Umrao Singh (saw him in Ludhiana) and Amar Singh, I. In Court by Sunder Singh (W.G. – "not know his name- saw him in Amritsar or Hong Kong"), Bachan Singh (correctly, after first identifying accused 26, Harnam Singh as him), Amar Singh, II, Anokh Singh, Mula Singh, Amar Singh, I, Umrao Singh, (by name, and as having seen him in the Mansuran dacoity).

Approver Udham Singh of Padri admittedly could not identify him in Court, having, as he says, never seen him before the Chabba dacoity.

Approver Sucha Singh and Nawab Khan did not identify him on Jail parades or in Court.

Approver Bachan Singh says that accused was present at the assembly

in the garden at Kapurthala on June 5th, 1915 in connection with the proposed attack on the Magazine; and on the night of June 12th (the date for the postponed attack) the witness heard from the Kapurthala "Havildar" of accused's arrest by the Baurias. The witness was not cross-examined.

Approver Amar Singh, II, states that in *Jeth* accused came to his village along with Buta Singh (Since hanged, in whose company accused was arrested) saying that they had been sent by accused Jowand Singh, absconder; that the Ghadr was about to start, and Buta Singh asked witness to join in an attack at Kapurthala on June 5th, telling him to meet accused Hardit Singh, absconder, and accompany him. This the witness does; and accused guides the pair to the place of assembly. According to the witness, accused was armed with a *chavi*; and, according to the evidence, he was arrested in possession of a *chavi*. At the meeting accused and Banta Singh (since hanged) were for raiding the Magazine at once, instead of wasting time in consultation; however, it was decided to postpone the attack for a week, accused saying that any one who did not turn up on that date should be killed. In cross-examination all that was elicited was that the witness did not meet accused in America.

Approver Anokh Singh states that he first met accused at approver Sucha Singh's house in the more than doubtful company of Dr. Mathra Singh (Lahore Conspiracy Case absconder), Kartar Singh of Soraba (Lahore Conspiracy Case-since hanged) and others, when he was taken there by Jagat Singh (Lahore Conspiracy Case). Cross-examination (page 248) certainly elicited nothing in favour of accused; nor showed why Anokh Singh should wish to speak falsely.

P.Ws. 54, 65 and 66 (2 Baurias), 67, 68 and 69 are as to the arrest of accused Exh.P 77 is a *ruqa* concerning the arrest; and Exh. P 78 the *chavi* head.

Approver Udham Singh, I, of Padri states that accused came with others to Bakshish Singh's well; and took part in the Chabba dacoity. That dacoity took place on the night of February 2nd, 1915, and in the course of it, Bela Ram was murdered, and several persons were injured. Accused was himself injured in the back by a bomb; and left with the witness and others for Amritsar with the loot; where Jagat Singh (Lahore Conspiracy Case) — the person mentioned by approver Anokh Singh- took accused, witness, and accused Prem Singh to approver Mula Singh, to whom the loot was made over. Accused was treated by "Doctor" Hardit Singh (Lahore Conspiracy Case), who extracted bits of a bomb

from his back.

Approver Mula Singh (*vide* page 336, etc.), fully corroborates the previous witness re this accused's connection with the Chabba dacoity; and tells how accused's bloodstained clothes were burnt at *Mussammat* Atri's house, and fresh ones provided. He also states how, at Gulab Singh's Dharmsala, he found accused and the Anarkali murderer and others on their return from the dacoity at Mansuran. Cross-examined, he denied having ever seen accused at the Mills in Astoria; and denied having borrowed money from him, adding that the Vancouver Gurdwara stood surety for him the witness. He only purports to have met the witness as above stated; and there is nothing whatever to show any reason for enmity.

Approver Amar Singh, I, corroborates as to Dr. Hardit Singh's treating this accused for injuries to his back and foot, caused by a bomb. He saw him and Mula Singh and the Anarkali murderer at the Baba Atal house in Amritsar on or about February 4th. Later at the same house, accused told witness of Mula Singh's arrest (he was arrested on February 13th); and said he meant to abscond. In Cross-examination the witness said that accused, when he saw him, was able to walk. He saw him once in Amritsar prior to the Chabba dacoity.

Major Ward (P.W. 345), Superintendent of Lahore Central Jail, speaks as to the photograph of accused's back (Exh. P. 225). In the witness's opinion as a medical man, the injury to accused's back had been caused within 6 to 8 months; and was such as might have been caused by an explosive driving metal into the back, not by an iron spike. In Court during the Lahore Conspiracy Case, the witness examined the foot injuries; and his opinion is that they had been caused in the same way as the injuries to the back. He considered that there had been recent destruction of the muscular tissue; and that the injury to the back had not been caused by something striking an old boil scar.

Approver Sucha Singh speaks as to conferences held in his room, attended by accused, the Anarkali murderer, Ram Rakha (absconding in Lahore Conspiracy Case, etc.). At the second of these he was allowed to be present; and accused as Harnam Singh brought *lathis* and 2 *chavi* blades. Next day, Kartar Singh of Soraba (Lahore Conspiracy Case) told witness of the Sahnewal dacoity (which took place on the night of January 23rd, 1915), in which Kanshi Ram was murdered; and gave witness the *Kalma* rupee (Ex. P. 133), which the witness afterwards

made over to the Police. Later, accused was one of those who assembled at the 6th milestone near Jhabewal with Dalip Singh (dead approver), the Anarkali murderer, Kartar Singh and others, when Dalip Singh said that the place selected for a dacoity was too near Jhabewal, and thus the bomb materials might be discovered. Accused slept the night at Dalip Singh's; and witness carried his *chavi* for him to Ludhiana. The witness further implicates accused in the Mansuran dacoity, armed with a *chavi*; giving full details — (compare the statement of approver Mula Singh).

The witness next meets accused with Pingley (Lahore Conspiracy Case — whom the witness knew as "Sham Lal") on February the 2nd at the Amritsar *chaubara*, from which place Kartar Singh takes the witness to Rash Behari (Lahore Conspiracy Case), whose photograph the witness identified before us. Nothing was elicited in cross-examination.

Approver Nawab Khan says, that on December 10th, 1914, at Nangal Kalan, accused and Jawand Singh, absconder, joined his party; but the idea of dacoity at Bhinwal was given up.

Approver Umrao Singh states (page 370) that about the 16th or 17th January 1915 the accused and the Anarkali murderer came to Jhabewal, saying they had seen a suitable house for a dacoity at Umedpur. Later, the dead approver Dalip Singh sent him (the witness) with some soap to Sahnewal dacoits, among whom were accused, the Anarkali murderer and others, all of whom were armed. Balwant Singh (Lahore Conspiracy Case), who was himself in that dacoity, told the witness that accused had been one of the Sahnewal dacoits. Some 4 days later, the witness at approver Sucha Singh's meets accused, Kartar Singh of Soraba, Ram Rakha and others for the Mansuran dacoity; and the witness gives full details of that dacoity, in which he and accused took part and in which the dacoits were armed with bombs *chavis* and pistols. Nothing was elicited in cross-examination.

This accused's statement will be found at page 390 of the printed record. He denied his connection with any of the aforementioned dacoities; and says, as regards his arrest at Chitthi along with Buta Singh, that he was "seized" for no reason when going to Lilian to get some money owed him by one Dewa Singh. He asserts that Anokh Singh has implicated him to save himself, after being shown photographs taken in Jail of his face and back, and being told his name. He denies knowledge of Rash Behari; and ascribes the scar on his back to a boil in America, which scar was struck by an iron-spiked stick in a quarrel at Jullundur

Station some 10 months ago. He goes so far as to admit that approver Mula Singh sent him for treatment to "a Sikh, whose name he does not know" in Amritsar. He ascribes the production of the *chavi* head to the machinations of the Police.

His defence witnesses are D.Ws. 33, 34 and 492 to 496 inclusive. The first two say that accused stayed in his village for twenty days after his return from abroad; and that his character was good before he went to America. The last lots of witnesses also give him a good character; but make out that he spent four months continuously in his village after his return. D.W. 492 makes out that accused then left simply because the Police were after all returned emigrants. D.W. 496 gives us to understand that accused came to the witness's village from his own because he has a sister married there.

In arguments the Defence Counsel, no doubt, had a most difficult task; since, as urged by Counsel for the Crown, the case against this accused is overwhelming. The Defence Counsel has argued that approver Umrao Singh alone has given some details of the Sahnewal dacoity; and that Sucha Singh, approver, who speaks of the start for that dacoity, did not identify this accused. No doubt, we should have had fuller details had not Dalip Singh (approver in the Lahore Conspiracy Case), who was himself in that dacoity, died during the hearing of the last case; but we are quite unable to accept the suggestion that the Bir Singh of the Sahnewal dacoity was "probably some one else." As regards the Mansuran dacoity, there were not only the same 2 approvers, but Mula Singh also; and counsel could only urge that P.W. 349, Jaimal Singh, who "might have been expected to have seen accused at Ludhiana prior to Mansuran," had not identified him. As regards Chabba dacoity it is urged that approver Udham Singh of Padri did not identify accused; But he speaks about accused's injury, and there is no reason to believe he was tutored. Moreover, he is not the only witness on the point. It is urged that Kartar Singh of Soraba in the Lahore Conspiracy Case did not mention this accused, though he mentioned Ram Rakha, absconder, and others; but it must be said that Kartar Singh was very careful as to whom he mentioned, and that he obviously had no objection to mentioning Ram Rakha because he believed him at the time to be dead. The only other point which needs comment is counsel's argument that accused at any rate had no intention that murder should occur in any dacoity; and was, in fact, against murder; and that, at Chabba (the last but one of the dacoities, it was the local

Gilwali men who really committed the murder of Beli Ram). To some extent this may be true; but Sahnewal (in which Khushi Ram was murdered) was the first of those dacoities; and, if accused were really so averse to murder, why do we find him taking part in a dacoity at Chabba afterwards, when bombs were used?

Counsel for the Crown has wished to impress on us that, in addition to the two dacoities in which murders took place, this accused was also present at the Kapurthala meeting of June 5th, 1915; and so is technically guilty of abetment of murder in respect of sepoys killed in the attack on the Walla Bridge Guard.

It is really not necessary for us to detail all the various acts which we find proved against this accused, and it will suffice to mention the major ones. We are satisfied he took part in the Sahnewal and Chabba dacoities in both of which murder was committed, that he was present in the Kapurthala meeting and thereby abetted the waging of war and murder, and **we accordingly find him guilty under sections 121, 302/109, 396, Indian Penal Code, and sentence him to be hanged by the neck till he be dead, and further we direct that all his property liable to forfeiture be forfeited to the Crown.**

[Hanged in Lahore Central Jail on 18.06.1916. — Eds.]

7. Bishen Singh, son of Wasakha Singh, Jat, of Virpal, Police Station Jandiala, District Amritsar, aged 27 (Ex Soldier):—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 576), returned from Shanghai via Hong Kong by the s.s. Nam Sang, reaching Calcutta on the 13th October 1914.

He was interned on 20th July 1915; and arrested in connection with the present case on 29th September 1915.

He was identified on Jail parade by approver Sundar Singh (W.G.); and in Court by that approver and Mula Singh, 21 Surain Singh and Amar Singh, II (who called him "Puran Singh", and said he had seen him at Kapurthala).

We shall have later to consider in connection with this accused the confessions of 3 co-accused.

Approver Sundar Singh (W. G.'s) statement is as follow;- Accused was a Police Constable at Shanghai. He was at Howrah Station with accused Gujar Singh's party on the day of arrival at Calcutta; and on the 16th or 17th October 1914 he and the witness arrived at Amritsar, and

went to Nanak Singh's *chaubara*, and belonged to Gujar Singh's Dewali party there. At Amritsar, before the Nankana fair, the witness receives a message from Gujar Singh through accused; and goes with him and accused Harnam Singh of Rasulpur and Harnam Singh of Sialkot (Lahore Conspiracy Case) to Khasa Station, where they meet accused Sundar Singh (85) and Sundar Singh (87), and fetch Gujar Singh for a consultation; and accused is left behind at Khasa Station, it being arranged that accused shall ascertain the date for a rising from Gujar Singh, and communicate it at Nankana fair. Accused come to that fair with a message that no date has been fixed, but that enquiries should be made after a week. After the fair, accused is sent off to the *Bar* to collect funds. He is at Tarn Taran *Masya* asking the date of the rising. He is present at the first meeting at the Jhar Sahib; and also at the meetings there on November 23rd and 26th, 1914, but the witness says accused was not present at the meeting at Khairon mound. Later, at Amritsar, the accused directs witness and Harnam Singh of Sialkot to the *dharmsala* where approver Mula Singh is putting up; but does not go inside himself. A few days later, accused comes to witness's village and invites him to join in the Chabba dacoity, which witness declines to do. In cross- examination, this witness (who served just 5 years in the 93rd Infantry) stated that accused enlisted before he did, but could not say whether Subadar Prem Singh of the Regiment (and village Virpal) got accused enlisted (page 90). The witness denied that he was compulsorily discharged from the regiment through the instrumentality of one Subadar Narain Singh. He admitted that there had been some trouble over a lost rifle-bolt; but that a Court of Enquiry released him when the bolt was found in one Mihan Singh's kit. In re-examination the witness asserted that he had obtained employment in the Shanghai Police on the strength of his Discharge Certificate marked "very Good;" which, however, is now lost.

Approver Kala Singh is another witness who asserts that accused was present at the Jhar Sahib on November 26th, and he says that accused was one of those who suggested meeting at the Khairon mound. He says that accused was also at the Jhar Sahib when there was a discussion about the abortive attempt on Sarhali *Thana*. The witness explains his failure to identify accused in Court by the change in his clothes and appearance; but says that he has known accused since the *Ghadr* started, and that his name was well known at the Jhar Sahib. In cross-examination (page 111) he asserted that accused was a prominent speaker at the aforesaid

meeting.

P.W. 21, Surain Singh, is another witness who-states that this accused was at the Jhar Sahib after the meetings of November 23rd and 26th, namely, at a small assembly on November 30th, when future plans were discussed; and on December 1st when, on getting a warning that the Police were in the vicinity, accused left for Bhure with accused Prem Singh.

P.W. 151 is a *Lambardar* of accused's village Virpal; and his statement is only that after his return from abroad accused only spent some 3 days, in his village; and then left for 4 months.

P.W. 189 is another witness from Virpal; and he merely states that Kala Singh (who was hanged in connection with the Walla Bridge murders) gave him a message summoning accused to village Jhandi. The message apparently was never delivered. On the third day afterwards, the witness heard of the Walla Bridge murders.

Approver Mula Singh's statement is as follows; A few days after the *Amawas* he meets accused in Tarn Taran Gurdwara with Harnam Singh, *Komagata Maru* passenger; both of whom question him as to the date for a rising, and are told by him to wait. He afterwards meets accused at the Virpal *dharmsala* with Kartar Singh (Lahore Conspiracy Case), Nidhan Singh (Lahore Conspiracy Case) and others; and a discussion takes place re *Ghadr* matters and bombs; approver, Amar Singh, I, offers to get bomb cases, and Nidhan Singh suggests Jhabewal as a place for the manufacture of bomb material.

Later, accused is present at Sant Gulab Singh's *dharmsala* (page 335) when Mathra Singh (absconding in the Lahore Conspiracy) prepares an experimental bomb; and two days later at the same place with Harnam Singh of Sialkot (Lahore Conspiracy Case) when accused Jawand Singh, absconder, suggests a dacoity in the Doaba; for which the accused and others start, but which proves abortive. Wasawa Singh (Lahore Conspiracy Case) appeals to the witness for men for the Chabba dacoity, mentioning accused. At Gulab Singh's *dharmsala* the witness finds accused with Nidhan Singh; and the latter says that bomb materials are ready at Jhabewal. Later, the witness sends accused and Harnam Singh of Sialkot to Wasawa Singh (Lahore Conspiracy Case) to enquire when the men are to meet for the Chabba dacoity telling accused to return to Amritsar for men on the date fixed. Afterwards (Page 336), accused tells the witness the place fixed upon for assembling for the Chabba dacoity; and that Harnam

Singh of Sialkot has gone to get men; and leaves for that dacoity with Ram Rakha (Lahore Conspiracy Case absconder) and others, the gang having 2 pistols; accused returns the next morning, and tells witness that, on account of the non-arrival of men from Sur Singh the attempt proved abortive; and, after a second unsuccessful attempt, the same gang make an unsuccessful attempt at a dacoity near Jandiala. This witness's statement is to some extent corroborative of approver Sundar Singh (W.G.') statement re the connection of this accused with the Chabba dacoity; but it does not appear that the accused actually took part in the successful dacoity at Chabba. In cross-examination the witness denied having had any quarrel with accused; and stated that he last saw him at Amritsar *Thana* during the Chabba investigation.

Now, we find this accused mentioned in the confessions of three co-accused — Bogh Singh (*Mahant* of the Jhar Sahib),Teja Singh of Bhikewind and Thakur Singh of Thatian. The first of these mentions accused as coming to the Jhar Sahib along with the important accused Prem Singh (since convicted in the Padri murder case) in search of Lal Singh of Bhure; and making off at the same time as the sowars deserters on receipt of a warning about the police.

Teja Singh mentions him as on his ship (along with accused Gujar Singh); and his statement is corroborative of approver Sundar Singh (W.G.) as to the meeting with Gujar Singh at Khasa Station. Thakur Singh of Thatian's confession also mentions this accused as on Gujar Singh's ship along with co-accused Ijaib Singh, whom Teja Singh also mentioned.

Accused's statement before us will be found at page 392 of the printed record. He denies knowing whether accused Budha Singh returned on his boat (who is mentioned in the confessions of all three above co-accused); and says that he never went to Nanak Singh's *chaubara* in Amritsar; but straight to his village. He was at the *Masya* fair; but not in connection with a rising, and has never even seen the Jhar Sahib. He does not even know approvers Kala Singh and Amar Singh, II; and never went by the name of "Puran Singh" (why should this have been invented?). He never left his village; and the *Lambardar* witness is lying. He has never seen Sant Gulab Singh's *dharmsala* in Amritsar; and, when visiting the Virpali *dharmsala*, never saw approver Mula Singh or other conspirators there. He asserts that he was arrested and released in the investigation of the Chabba dacoity; and that it was then that approver

Mula Singh got to know him in the *thana*; after which the Police concocted a false case. He asserts enmity with approver Sundar Singh (W.G.) over the matter of a lost rifle-bolt in Burma; says that Sundar Singh (W.G.) was dismissed by his regiment; and further was taken into custody by accused's cousin Narain Singh when he (the approver) visited his brother Tahl Singh in the 93rd Punjab Infantry. In short, the only witness against whom any enmity is alleged is Sundar Singh (W.G.).

The defence witnesses are D. W. 103 to 106 inclusive; 397, 561 to 563 inclusive; and 709 to 711 inclusive. The statements of the first four are unconvincing. They give accused a good regimental character; but D.W. 104 says the bolt of the rifle was missing at Barrackpore (not in Burma); and D.W. 105 says "some people slightly suspected Sundar Singh" of having stolen the bolt; and that accused charged him with the theft. All this lot of witnesses belongs to the 93rd Infantry; and there is vague evidence intended to corroborate that Subadar Narain Singh once got Sundar Singh approver arrested. D.W. 397 says that accused had a good regimental character, and Sundar Singh a bad one. That Sundar Singh was suspected of the theft of the bolt, and was dismissed; and that the bolt was found in a puddle of water. Though the witness says that a regimental Court of Enquiry was held about the loss of the bolt, no documentary evidence has been produced. D.W.'s 561, 562 and 568 assert quarrels between accused and a *lambardar*; and with one Thakur Singh of their village (alleged to be a relative of Mula Singh approver). The accused, however, said nothing about a quarrel with Thakur Singh in his own statement. D.W.'s 709, 710 only make the defence case worse. The first says that Sundar Singh was suspected at Rangoon (Burma) of the theft of the bolt; but was charged by accused at Barrack pore; the second says that the suspicion took place at Barrackpore. D.W. 711 merely gives accused a good character. All three witnesses belong to the 93rd Infantry; and they are a Naik, a sepoy and a *Mistri*.

Defence Counsel has argued that approver Mula Singh's evidence should be disregarded because he is accused's enemy. No doubt Mula Singh admitted (Page 339) that he was related to one Thakur Singh of Virpal; and Counsel has referred to D.W.'s 561, etc., but, as we have said, accused did not allege any enmity in his statement. It is asked, why did not Mula Singh enlist this accused's help at Virpal re melting ornaments? But it only appears that he did not do so. It is complained that the Virpali *dharmsala* witnesses of the last case were not produced

to corroborate Mula Singh; the bolt incident is pressed for all it is worth; and it is urged that accused's name does not appear in the Khairon note-book. This is true; but we know that the recording of name ended somewhat abruptly. It is put forward that accused's activities ended at the Jhar Sahib (we certainly cannot agree with counsel); and that he is an old soldier.

Counsel for the Crown has urged, with reason, that it is absurd to suppose that Mula Singh concocted all his story on account of an alleged drunken brawl between accused and Thakur Singh; and on the point that Kala Singh, approver, did not identify accused in Court (he did not attend Jail parades), has said that Kala Singh even now is not whole-heartedly with the prosecution. This is very likely correct; but Kala Singh himself in Court gave the reason (as regards this and other accused) that it was accused's "different clothes and appearance." Counsel further correctly urges that no really reliable witness has been produced to testify to the accused's part in the bolt incident

On the evidence we are satisfied that the accused left Shanghai in a warlike array, that he abetted the waging of war at the Jhar Sahib by being present at the latter palace on the 26th of November, and by being present on the occasion of the experimental bomb. We are also satisfied he abetted the commission of dacoity by trying to get men together for the Chabba dacoity and attempted to commence dacoity as evidenced in the witnesses statements.

We accordingly find him guilty under sections 121, 395/109, Indian Penal Code, and sentence him to transportation for life.

We further direct that all his property, liable to forfeiture, be forfeited to the Crown.

8. Budha Singh Sodhi, son of Ishar Singh, of Sur Singh, Police Station Khalra,District Lahore, aged 24 (Ex. soldier):—

[Jail Escapee, who evaded re-arrest after his escape; surrendered in 1930, brought to Rawalpindi jail: Maltreated to death on 24 January 1931. — Eds.]

This accused who pleaded "Not Guilty" to the charges framed against him (page 578), reached Calcutta by the s.s. Nam Sang on the 13th October 1914. We shall have later to consider in connection with his case the confessions of certain co-accused. He was arrested on 22nd September 1915.

He was identified on Jail parades by the following approvers and witnesses:– Sunder Singh (W.G.), Natha Singh, Surain Singh (saw him at the Jhar Sahib), 15 and 156 who both pointed him out, 177, 182, 183 and 197. In Court by Sundar Singh (W.G.), Natha Singh, Surain Singh, Kala Singh, 15 (by name and village), 156 (when challenged by Defence Counsel), 177 and 185.

Approver Sunder Singh (W.G.) tells us that accused had been a watchman at Shanghai; and that he first met him at Hong Kong Gurdwara. Accused joined the Ghadr party but said that he had no passage-money; and remained at Hong Kong with Mathra Singh (Lahore Conspiracy Case), saying that he would follow via some other port, in order to avoid a search; and eventually accused 85 Sundar Singh of Doulu Nangal supplied the passage-money of accused and Mathra Singh. The witness meets him on the day of arrival at Calcutta among the men of accused Gujar Singh's party at Howrah Station (the witness remembered his name in Court directly he was asked the question whether "any man of Sur Singh village was there"); and afterwards at Nanak Singh's *chaubara* at Amritsar on October 17th, 1914; and accused is one of Gujar Singh's Dewali party at that place. He is present at Tarn Taran *Masya*, asking the date for a rising; and later, on the way to the Jhar Sahib the witness meets him in the company of accused Ganda Singh Nihang, and is told that the date for the Jhar Sahib assembly has been postponed to November 26th. On November 25th the accused arrives with accused Teja Singh of Bhikewind and approver Natha Singh at the house of Lal Singh of Bhure (Lahore Conspiracy Case); and is present at the Jhar Sahib assembly of the 26th. According to the witness accused's name is entered in the Khairon note-book (Exh. P. 1); accused took part in the abortive attempt on Sarhali *Thana*; and went on to the house of the Dhun *zamindar*. Some days later, Kala Singh (since hanged) comes to fetch the witness (who by that time had begun to repent of having taken part in the *Ghadr* schemes), and tells him that the accused is with Natha Singh, approver. The witness, in cross-examination, denied any quarrel with accused in Hong Kong.

Approver Natha Singh's story is as follows;- About two days prior to the Dewali, the accused (who belongs to the witness' village) comes with Channan Singh (who was in connection with the Walla Bridge murders), and stays 2 days with the witness, talking of revolution and looting, and informing him that a meeting has been fixed for the Dewali fair at Amritsar. The witness gives as a reason for this visit that accused

knew him to be an influential *Mahant*. Accused and Channan Singh leave for Amritsar on Dewali day; and return some four days later saying that everything will be ready within a month, and asking the witness to join in the *Ghadr*. Accused then goes to Bhure to ask Lal Singh of that place whether *chavis* are ready; returns with that information that they are not; and stays 2 days, asking the witness to procure men. (Incidentally, we learn from this witness that accused had deserted from a Mule Battery; and had shortly before returned from Shanghai). About 10 days afterwards the accused and Channan Singh and accused Sadhu Singh come again, and talk revolution; leave with the witness for Bhure, where they meet Kala Singh, approver, and go with him to the house of Lal Singh (Lahore Conspiracy Case); but finding Lal Singh gone to the Jhar Sahib, return to the witness' village to sleep. Accused tells the witness of the proposed *Masya* meeting at Tarn Taran; and both of them go there (compare approver Sundar Singh-W.G.), and interview accused Ganda Singh Nihang; and a discussion takes place between accused and Ganda Singh and accused Sadhu Singh "in a foreign language"; and accused points out accused 97 (who was discharged by this Court) as a Shanghai revolutionist. A few days later, on the way to Bhure, the witness and Ganda Singh Nihang meet accused; and all three go to Lal Singh of Bhure. Accused is sent to fetch approver Kala Singh. The witness, Ganda Singh Nihang and accused go to Ujagar Singh of Sangatpur; on to Goindwal; back to Bhure; and then to the witness' *haveli* at Sur Singh. A few days later accused Sadhu Singh comes there with a message that men are to assemble at the Jhar Sahib that night for the projected rising; and accused and the witness start unarmed for that place, but learn from Sadhu Singh on the way that the date has been postponed; so go on to Bhure, learning on the way from approver Sundar Singh (W.G.) of the failure of the 23rd Cavalry sowars to turn up at Jhar Sahib. Accused is present at Lal Singh's, prior to the meeting at the Jhar Sahib on the night of November 26th; and attends that meeting, being given 12 *chavis* to carry there. After the dispersal of that assembly, accused accompanies the witness to P.W. Kesar Singh, of Sarhali Mandan; is present at the Khairon mound meeting on the night of the 27th; takes part in the attempt on Sarhali *Thana*; and goes on to the *zamindar* of Dhun (again compare the previous witness).

After the witness' return from his visit to Lahore Cantonment, the accused and accused 96 Udham Singh abandon their revolutionary ideas;

become followers of the witness (as disciples), and tour about with him until a squabble takes place among the disciples. Later on the witness learns that accused has been arrested as a deserter, and has been taken back to his Mule Battery.

Now this is a long and very detailed statement; there seems absolutely no reason to believe that the witness invented it or that some one else invented it and taught it to him; and cross-examination elicited no reason why this witness should be falsely testifying against this accused, whom, the witness says, he has known since childhood.

Approver Kala Singh corroborates to the effect that a few days after Dewali the accused came with Natha Singh enquiring after Lal Singh of Bhure; and on that occasion Natha Singh told witness of the intended *Ghadr*. A few days later both came again; and at Lal Singh's house, where the witness was fetched by accused, the witness agreed to join. The accused, we are told, used to carry out the instructions of Lal Singh and Natha Singh, and collect information. He attended *Ghadr* recitals at the Jhar Sahib; and used to visit Lal Singh and Jhar Sahib to convey information re change of dates for the rising. He attended an assembly at Lal Singh's house; and was at the Jhar Sahib assembly on the night of November 26th,- (*vide* approvers Sundar Singh, W.G., and Natha Singh). He also went with Kala Singh (hanged) to fetch one Saddu to make fresh preparations for *Ghadr*. The witness was not cross-examined.

P.W. 21 Surain Singh mentions accused at present at the Jhar Sahib on November 30th; and again on December 1st, when it was decided to consult Saddu, *pahlwan*, about getting more men. This witness mentions this accused in association with the two sowar deserters, accused Sucha Singh and Maharaj Singh. In cross-examination the witness says that accused Prem Singh told him the name of accused, with which he had no conversation

P.W. 15 helped Lal Singh of Bhure to carry food to the Jhar Sahib, and saw accused there; the witness' statement to a Magistrate is Exh. T. 24 which was tendered by way of corroboration.

P.W. 156 (challenged in Court by Defence Counsel) identified accused in Court as one of some four men to whom accused Bogh Singh read seditious literature at the Jhar Sahib in the middle of *Katak* (compare the statement of Kala Singh on this point).

P.W.'s 132, 177, 182, 183 and 197 speak concerning accused's association with, and his wandering in company with Natha Singh; and P.W. 183 mentions him in company with accused Ganda Singh Nihang

at Natha Singh's hoveli.

P.W. 186 Channan Singh of Bhure corroborates that a few days before the *Masya* accused and Natha Singh came enquiring for Lal Singh of Bhure; and that, later, accused came with Ganda Singh Nihang and Natha Singh, and Kala Singh joined them, and sedition was talked. This witness of course, is the son of Lal Singh of Bhure (who was convicted in the Lahore Conspiracy Case). He had been on bad terms with his father; and was himself in custody for some 2 months in connection with the murder of Kapur Singh (the witness in Lahore Conspiracy Case).

P.W. 197 corroborates as to the wandering of approver Natha Singh (the witness' *guru*) with a mob of some 12 persons of Sarhali during Maghar; the party made out that they were searching for lost cattle.

P.W. 360 (Inspector Harbishan Singh of C.I.D) concerns the arrest of accused in his Mule Battery at Bareilly.

We find this accused mentioned in the confessions of the co-accused Bogh Singh, Kesar Singh, Teja Singh of Bhikewind, Thakur Singh of Thatian, Ganda Singh Nihang and Sultan Shah.

The co-accused Bogh Singh mentions him as at the Jhar Sahib in company with Lal Singh of Bhure and approver Natha Singh on more than one occasion; and as talking about help from the Bengal revolutionists.

Kesar Singh mentions him as at the Jhar Sahib with the same persons, and Teja Singh of Bhikewind, Sultan Shah and others; and as one of the persons on the riverside after Dhun.

Teja Singh of Bhikewind mentions him at Hong Kong *gurdwara*; as stopped with him by the police at Amritsar station; in association with approver Singh (W.G.) at Sur Singh; in association with co-accused Ganda Singh Nihang; as at the house of Lal Singh of Bhure, the Jhar Sahib, and Khairon mound, Dhun and the riverside; and as eventually departing in company with the ao-accused Sultan Shah.

Thakur Singh of Thatian mentions accused as at the Amritsar Diwali fair; as at Khairon; and as, along with approver Sundar Singh (W.G.), preventing him (Thakur Singh) from departing to his village after the abortive attempt on Sarhali *Thana*.

Co-accused Sultan Shah's confession corroborates that of co-accused Teja Singh, to the effect that Sultan Shah and the accused whose case we are considering left together after the assembly at Khairon and the abortive Sarhali attempt.

There are quantities of references to this accused throughout the

lengthy confession of co-accused 155 Ganda Singh Nihang. He mentions him in connection with approver Natha Singh, Kala Singh, Lal Singh of Bhure, Sangatpura and Gondwal villages; the Jhar Sahib and Khairon; Sarhali *Thana* attempt; the Dhun *zamindar* and the riverside mob, and he is the third co-accused who mentions this accused and Sultan Shah eventually departing together. We, of course, bear in mind that all the confessions in this case are retracted confessions; but we cannot overlook the manner in which they corroborate each other and the prosecution witnesses evidence on quantities of points.

Accused's statement before this Court commences at page 394. He, of course, admits deserting from his Mule Battery, which he rejoined before his arrest at Bareilly in the United Provinces. He admits seeing approver Sundar Singh (W.G.) at Hong Kong Gurdwara; but says he himself did not join the Ghadr party. He says he knows nothing about accused Gujar Singh or his party; that he was released on bail at Amritsar; and that he did not attend Tarn Taran *Masya*, or go to Nanak Singh's *chaubara*. He never toured about with approver Natha Singh as his disciple; nor even met accused Prem Singh or the sowar deserters, accused Sucha Singh and Maharaj Singh at the Jhar Sahib. The various allegations against him he absolutely denies.

This accused also put in a short supplementary statement (Page 445). In it he alleges enmity with approver Natha Singh (the familiar story about that approver's intrigue with a Mirasn, of which several other accused have availed themselves); but about this alleged enmity he made no mention in his oral statement; nor cross-examined that approver. He sets forth the services of his relations.

His Defence witnesses are—

D.W's 111, 223 to 225, and 753 and 1022 The first knew him as a watchman in Shanghai; says his character there was good; and that accused is illiterate. The next batch testify to character; admit he was a deserter, but allowed to rejoin; and say he once made an offer to go to the Front. D.W. 73 is to the same effect; and says that accused rejoined his Battery of his own free will, when deserters were allowed to rejoin (accused himself said he was sent back by one Khushal Singh *Zaildar*). D.W. 1022 says accused offered to go on field service; but was not equal to the work required of him when he first joined. However, this court is not trying him for deserting from his Battery.

In arguments Counsel for the defence felt the weight of the

overwhelming prosecution evidence; but urged that the *Ghadr* "leaders" got innocent persons into the mire, who found it difficult to get out again; and put forward the some what naïve proposition that accused originally deserted his regiment being "afraid of work;" and finding *Ghadr* work too hard, rejoined his regiment, and was found there leading a decent life.

Counsel for the Crown has not wished to say much beyond that there is a heavy case against accused (including the confessions of 6 co-accused); and he has asked for a death sentence on the ground that accused was a solider at the time when he took part in the *Ghadr*.

We are satisfied that the accused committed the offence of waging war by sailing from Shanghai in an armed array to wage war, and by participating in the Sarhali array. It is unnecessary for us to detail minor acts.

This guilt is aggravated by the fact that he was a deserter, but on the other hand it is minimized by the fact that he soon realized the futility of the *Ghadr* designs and, having done so, early abandoned the movement and rejoined Military Service.

In consideration of these facts, though the Crown has pressed for a death sentence, we think the justice of the case will be met by convicting accused under section 121, Indian Penal Code, and sentencing him to transportation for life, which we accordingly do. We also direct that his property, liable to forfeiture, be forfeited to the Crown.

9. Chanda Singh, son of Kala Singh, caste Darzi, of Doudhar, Police Station Moga, District Ferozepore, aged 36:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 580), is a tailor by trade. He arrived at Calcutta from Penang by the s.s. Yat Shin on the 13th January 1915. He was interned on 6th July 1915.

He was not identified on Jail parade; but in Court by approvers Arjan Singh and Nand Singh.

Approver Bhagat Singh did not identify accused either on Jail parade, or in Court; but he has stated that approver Arjan Singh introduced him to accused; and that accused's name occurs at page 82 in the witness' diary Exh. P. 15, an entry of March 7th, 1915 (*vide* page 185 of the record).

Approver Arjan Singh (who belongs to accused's village) states that he and his brother left with accused for Penang on the 26th April

1914; and accused worked there as a tailor. When the s.s *Tosha Maru* arrived from America in October 1914, the witness, accused and approver Nand Singh were living together. Nand Singh brought some of the passengers including approver Nawab Khan to the house for refreshments; and Kesar Singh (Lahore Conspiracy Case) told those present about the Budge-Budge affair; and in accused's presence, there was talk about the Cawnpore Mosque, *Rikabganj Gurdwara* and a proposed rebellion (*vide* statement of approver Nawab Khan on page 364). Accused and the witness returned to India by the same ship. About the beginning of March (compare the date in Bhagat Singh's diary) Bhagat Singh comes recruiting for accused Arjan Singh's proposed "party"; and the witness introduces accused, who agrees to join. (There would be nothing extraordinary, therefore, about Bhagat Singh's making a note about him at the time; and being unable afterwards to identify him in short, this would go to prove the bonafides of Bhagat Singh approver). Arjan Singh goes on to say that this accused made a sheath and sash for the *kirpan* of "Puran Singh" out of cloth supplied by the witness.

Cross-examined (Page 202), the witness says that he has known accused 10 years; and stopped with him at Ludhiana *serai*; but denies that he ever quarreled with him in the presence of Phuman Singh and Ram Singh about a loan.

Approver Nand Singh states that he met accused in July 1914 at Penang, who was working there as a tailor; and also met approver Arjan Singh there. He corroborates the last witness as to the entertainment of the *Tosha Maru* passengers, when sedition was talked; and says that he Arjan Singh and accused agreed to join the *Ghadr* movement. Accused attended a seditious lecture at the Gurdwara. In January 1915, accused and Arjan Singh sail by a Jardine Company boat for India, giving out that they are going "for *Ghadr*". On the 12th March, the witness goes to Arjan Singh's house at Doudhar; and accused comes there with his nephew Thaman Singh; Arjan Singh says that they have joined the *Ghadr*, and the witness agrees to join — and soon afterwards the approver Bhagat Singh turns up at Arjan Singh's house. Accused is present when accused Arjan Singh tells of a proposed dacoity at Ghalib for March 21st; and the Doudhar Men promise to assist; but fail to turn up. During April the accused and witness are introduced to accused Ishar Singh (alias Puran Singh) and Banta Singh "of the golden teeth" (since hanged, who is also mentioned by approver Arjan Singh in connection with accused Ishar

Singh) — who are anxious to kill the man who caused the arrest of Nidhan Singh and Rur Singh (both of the Lahore Conspiracy Case); and accused sends his son (P.W. Mehr Singh) and another small boy to call Kapur Singh (accused discharged by this Court) to whom Banta Singh talks in English. This witness also mentions the making of a cloth sheath for a dagger by this accused; and in cross-examination (Page 237) says that the cloth for it was supplied by approver Arjan Singh. He denies any quarrel with accused over a loan; and says that accused was his friend, and that he repaid all loans. In re-examination the witness said that he only bought *gur* and so forth from accused, and paid for them.

This accused's statement will be found at Page 395 of the record. He admits that approver Arjan Singh travelled by his boat; and that he accompanied Arjan Singh and his brother to Penang in April 1914, but he denies living with him and approver Nand Singh at the time of the arrival of the *Tosha Maru*; and denies that passengers from that ship were brought for refreshments. He says that he returned to India on account of his son; reached his village on January 17th, 1915; was restricted and never left it. As regards the entry in Bhagat Singh's diary (regarding which approver he makes no allegation of enmity), he can only suggest that, perhaps, his enemy Arjan Singh got Bhagat Singh to enter his name. As regards Arjan Singh and Nand Singh, he says that both owed him money, and refused to repay.

The Defence witnesses are D.W.'s 22 to 28 inclusive. Their evidence is all to the same effect; and the gist of it as follows;- The accused was, on his return, restricted and never left his village, where he worked at his tailoring. His character is good. Both Arjan Singh and Nand Singh are friends; and both owed accused money. There were disputes about this matter-but no case resulted.

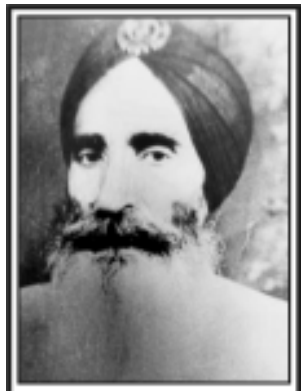
Defence Counsel in arguments has urged that this accused is not mentioned as present at any assembly; nor in the confessions of any of the co-accused. He says that Nawab Khan did not identify accused, nor mention the matter of refreshments. Nawab Khan, probably, did not think the matter important enough; but he does mention talk of the Budge-Budge affair at Penang (Page 364). It is urged that approver Nand Singh does not mention living with accused there; but he was not questioned on that point. Lastly, it is advanced that Bhagat Singh concocted the story that Arjan Singh introduced him to accused. This we are not prepared to accept; but we are prepared to agree with the suggestion that Bhagat

Singh entered his name in his diary, when recruiting, knowing him to be a returned emigrant; and it is true that there is no evidence from Bhagat Singh of accused's talking *Ghadr* with him.

The Defence evidence is, in our opinion negligible; but we would not lay much stress on the making of the sheath or sash-since the accused, being a tailor, would presumably do such work for anyone. Counsel for the Crown did not wish to make any special remarks.

In our opinion, while not entirely rejecting the evidence for the Crown it is somewhat vague in so far as accused's direct complicity is concerned, and lacks that conviction which is necessary to support a finding of guilty. **We accordingly give the accused the benefit of the doubt, and acquit him.**

10. Dalip Singh, son of Hamir Singh, of Phullewal, Police Station Sadr Ludhiana, District Ludhiana, aged 15 or 16:—


Dalip Singh

This accused (who pleaded "Not Guilty" to the charges framed against him-page 581) is only a youth; and appears to have been more or less a satellite of accused Randhir Singh. He was arrested on 15th October 1915.

P.W. 349, Jaimal Singh, student, identified him as "Santa Singh", whom he had known at school.

He was also identified on Jail parade by the following approvers and witnesses:– Sundar Singh (A.M.), Anokh Singh (as "Santa Singh"), Udham Singh of Hans, Bhagat Singh, Amar Singh II (who pointed him out) and 42 Ganda Das.

In Court by Bhagat Singh, Udham Singh of Hans, 27 Indar Singh of Khanna, who stated that he did not identify him on Jail parade **"because his aql told him not to";** Anokh Singh; 39 *Mussammat* Nihal Kaur, and 4) Teja Singh, of Samrala.

Approver Sundar Singh (A.M.) has mentioned accused as present at the non-seditious meetings at Lohatbadi, Khanna and Chamkor Sahib; and as one of about 100 persons present at the *Granth Sahib* recital at the house of Ram Singh, Reservist, at Gujarwal when accused Randhir Singh was present. This witness does not assert that accused took part in the

subsequent secret meeting there; but mentions him as one of Randhir Singh's party at Mullanpur Station on 19th February; and says that some days later he found accused with Randhir Singh at the house of Randhir Singh's father in Nabha. In cross-examination the witness omitted accused's name when repeating the names of persons at Mullanpur; but asserted that he was usually to be found in Randhir Singh's company.

Approver Udham Singh of Hans states that accused was one of those at Randhir Singh's house on 19th February; and both he and approver Bhagat Singh mentioned him as one of Randhir Singh's black-robed party at Mullanpur Station; and as present at the reed jungle assembly at Ferozepore that night. Approver Anokh Singh and P.W. *Mussammat* Nihal kaur give corroborative evidence as to the incidents of the 19th February, and accused's part in them; and the first of these two witnesses says that it was Randhir Singh, who gave accused the *pahul*. Approver Bhagat Singh mentions accused as in Randhir Singh's party at Phemi-ke-kai Station.

It is difficult to see why any of these witnesses should have wished to wrongfully incriminate this youth; and Udham Singh of Hans appears to have been his fellow-student.

P.W. 27 cannot say when accused arrived at Gurbachan Singh's *path* at Dhundari; but P.W. 42 Ganda Das distinctly asserts that accused took part in the secret seditious meeting held after it; and P.W.40 Teja Singh of Samrala corroborates to the same effect. There was practically no cross-examination by accused on this point.

P.W. 232 speaks as to the arrest of accused at Rampura Phul Station on October 15th, 1915, along with the youth; accused Harbhajan Singh.

Accused's oral statement before this Court commences at page 397. He, of course, admits his presence at non-seditious meetings; and admits his presence at the religious ceremonies at Gujarwal and Dhundari; but says that prayers were offered for the victory of the British, and that no secret meeting took place after either ceremony. He says that he was known as "Santa Singh" piror to receiving the *pahul* which Randhir Singh did not give him. He often goes about with Randhir Singh. He denies the allegations re his connection with the Ferozepore incident; and says that, at the time of his arrest with co-accused Harbhajan Singh, he was on his way to a conference at Ferozepore. He says that he left school, and began to read with Randhir Singh; that approver Sundar Singh (A.M.) is his enemy ("he was punished by us for misappropriation

of money"); and that Udham Singh was also punished for cutting his hair. (Even if true, a youth like accused could have had little to do with the inflicting of religious fines).

His written supplementary statement (page 556) put in some 12 days later asserts that the Police wanted him to give false evidence against Randhir Singh. It speaks of his association with that accused; and contains an allegation of enmity with approver Bhagat Singh (on account of a religious penalty inflicted on that approver's father)-about which not a word had been said in accused's oral statement.

The Defence witnesses are D.Ws. 889 to 894 inclusive. The accused himself gave us no dates on which be had read *paths* at peoples' houses; nor mentioned Gharoan village; yet, these villagers of Gharoan are produced to say that from the convenient date of the 8th or 9th *Phagan* (that is, the 19th or 20th February 1915), onwards for about a week or ten days, this accused was engaged in reading *paths* in that village. A clumsier attempt at an *alibi* it would be difficult to conceive; and it certainly looks like part of the attempt on behalf of some of the accused to make out *alibi* for the 19th February 1915, and to upset the dates of the meetings at Gujarwal and Dhudari.

Accused's Counsel in arguments has urged that accused is only a youth; an orphan; and always in the company of accused Randhir Singh. That he was not a free agent; did not know much of what was going on; nor realized the gravity of the situation in which he was placed. There is, no doubt, sense in these remarks; and Counsel for the Crown has not wished to urge much against them. The attempt to prove an *alibi* has, of course, failed; and we adopt our remarks about the real dates of the Gujarwal and Dhundari meetings.

The evidence against this accused shows he early came under the influence of Randhir Singh, and whatever he did he did under that influence.

There is, however, no doubt that he did go to Ferozepore on the 19th February, and so committed an act of waging war. We find him guilty of the offence of waging war under section 121, Indian Penal Code; but in view of his extreme youth, and the fact that as a youth he was led away by a pernicious preceptor, though we are compelled in law to s**entence him to transportation for life, we recommend him to the utmost mercy. — 3 Years**

We also direct that his property, liable to forfeiture, be forfeited

to the Crown, but recommend that the penalty should not be enforced.

11. Dari, son of Jhanda Singh of Dadher, Police Station Sirhali, Amritsar.

[Discharged. — Eds.]

12. Dhan Singh, son of Hari Singh, of Dhaloke, Police Station Moga, District Ferozepore, aged 26:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 583), reached Calcutta by the s.s Korea and *Tosha Maru* on 29th October 1914. He was arrested in Calcutta, and was interned in Multan Jail on 1st November 1914.

He was identified on Jail parade by approvers Nawab Khan, Umrao Singh and Amar Singh, I, who also identified him in Court.

Approver Amar Singh, I, however, has distinctly asserted that the "Dhan Singh" of Bridalveil, whom the witness mentioned as having been present at one of Hardyal's seditious meetings (page 345), is not this accused. He says that he saw accused on the Korea and *Tosha Maru*, that a *Ghadr* paper was found on accused at Calcutta, and that he was arrested. He first saw accused on boardship, but had no talk with him, nor did accused lecture. The witness says that when he stated to the magistrate that a man from Canada had a typewriter, and another man seditious literature, he mentioned no names.

The witness appears to have made a correct statement in saying this.

Approver Nawab Khan's statement simply amounts to this, that at Calcutta Rur Singh (Lahore Conspiracy Case) told him that a typewriter and a seditious pamphlet had been found in accused's box. Rur Singh told the witness that one Sappha Singh had sent the typewriter for a friend; and that he had given it to accused to keep; but that he knew nothing of the seditious paper, which possibly Saggha Singh had put along with the typewriter (page 368).

Approver Umrao Singh states that he met accused at Fowler about August of 1914; and that accused attended the Fresno meeting of the 9th or 16th August. On the 28th or 29th August he saw accused at the Yugantar Press in Frisco, ready to sail. In cross-examination he states that he and accused worked in America for 10 days at peach-gathering;

but denies that he and accused quarreled because he (the witness) broke a wagon. He says that he mentioned accused's names in the Lahore Conspiracy Case. We can find no record of this, but it is possible that the witness did mention him, and that, as the accused was not then an accused, no special note of his name was made; and he was included in the expression "and others".

The remaining 2 prosecution witnesses concern accused's arrest. P.W. 346, Mr. Slattery of the Criminal Investigation Department, simply says that accused was arrested at Calcutta and interned after being found in possession of a duplicating apparatus and a seditious manuscript; but the witness was not himself present at the discovery.

P.W. 359 (a Sub-Inspector of the Calcutta Police-page 375) states that he boarded the s.s *Tosha Maru* before it entered the dock at Calcutta; and searched the passengers' baggage; in the middle of accused's box he found a duplicator and certain papers. The duplicator seems to have disappeared; and has not been produced in this Court. The witness states that the paper Exh. P. 251 was actually in the duplicator, which itself bore the negative. The nature of Exh. P. 251 is apparent; and we have only to consider its connection with accused.

The remaining 3 papers (Exh.P.252) were found separate in the same box; and one of these is in copying-ink, only just begun for printing Exhs. P.251 and part of 252 are extracts from the printed portion of Exh. P.252 which forms part of a *Ghadr*. This witness speaks as to accused's arrest and internment. In cross-examination the witness says that he was present when the box was opened by the customs officials. The duplicator was in a cardboard box; and the papers were handed to him as found.

Accused in his statement (page 398) says that he returned to India, after 6 years abroad, at the request of his people; but was never at Bridalveil. That, between Hong Kong and Singapore, Rur Singh (the revolutionist who was arrested along with the notorious Nidhan Singh of the Lahore Conspiracy Case) asked him to keep the duplicator in his box; and that accused gave Rur Singh the key, who put in the duplicator-accused being unaware that it contained any pages. Rur Singh said he would take his things back at Calcutta.

(It is only just to this accused to add that from the record of the last case we find that Rur Singh was a member of a committee formed on the voyage for the starting of a seditious Press in India).

To continue this accused's statement, he says that he did not see Umrao Singh at the Yugantar Press, of which he only heard the name in this Court. He is totally illiterate; not even knowing Gurmukhi. He and Umrao Singh, when working together in California, had a quarrel about a broken wagon.

The Defence witnesses are D.Ws. 10 to 14 inclusive; 29; and 226 to 229 inclusive. The first five give him a good character; say that his mother called him back; that he is illiterate; and has served in the cavalry. D.W. 29 is to the same effect; and so are the remaining witnesses, who include some relations.

In arguments, accused's Counsel urges that accused is illiterate; and urges correctly that we should be satisfied that accused was aware that the papers in the duplicator and found in his box were seditious. He says it is possible that Sappha Singh put the paper in the duplicator; and this is certainly possible. It was only made over to Rur Singh at Hong Kong. He urges that there was no apparent attempt at real concealment of the papers, etc., in spite of the fact that a search at Calcutta was to be expected. As regards accused's presence (as alleged) at the Fresno meeting, he says that any one may attend a propagandist meeting without being at heart a rebel. We are certainly not prepared to accept Counsel's contention that approver Umrao Singh never himself went to the Yugantar Ashram in San Francisco; nor is there any special reason why other approvers (if at that place on the 29th August 1914) should have noticed accused, an unimportant person, among the men there. It is possible that accused went there like other passengers about to sail on the s.s Kore and, though it is quite possible that accused, after the Fresno meeting, knew that *Ghadr* was in the air, we agree with his Counsel that on the evidence there is a reasonable hypothesis of innocence, which cannot be excluded. The incriminating papers, for instance, might easily have been got rid of instead of being left under some clothes in the middle of a box. **In short, there is a doubt as to the guilt of this accused, to the benefit of which he is entitled, and we accordingly acquit him.**

13. Dharam Singh, son of Amar Singh, jat, of Nandpur, Patiala State aged 35:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 585), is not a returned emigrant. He was arrested on 30th September 1915.

He was pointed out on Jail parade of October 24th, 1915, by approver Sundar Singh (A.M) — simply as a man, he had seen somewhere, but could not name. In Court he was identified by P.Ws *Mussammat* Nihal Kaur, 40 Teja Singh of Samrala, and 112 (the pointsman Isa of Phemi-Ke-Kai Station), who, however, had not identified him on any Jail parade.

P.W. *Mussammat* Nihal Kaur has stated that accused went by the same train as she did when she went to Ferozepore searching for her husband, the witness Indar Singh of Khanna. In a general observation made during her statement (Page 214) she stated — "I saw all I have mentioned in the jungle." This would imply that she actually saw this accused in the reed jungle assembly at Ferozepore on the night of February 19th; but it is, of course, arguable how many persons she would have been actually able to distinguish or notice at night-time in the reeds.

P.W. 40 Teja Singh has asserted that accused was taken off to the Ferozepore attack by accused 77 Santa Singh, after Santa Singh had made accused a Sikh at Khanna. In cross-examination this witness denied that accused and one Punjab Singh had turned him out of a *gurdwara* at Chak 464; and said that he had left of his own accord. He denied having had a quarrel with accused and one Girja Singh; but admitted that he and accused belonged to opposite factions.

Then, we have the statement of the Phemi-Ke-Kai pointsman (P.W. 112) for what it is worth.

We have also to consider the possibility that accused Santa Singh, when recruiting men for Ferozepore, may not have fully acquainted accused with the object for which he was being taken there.

Accused's oral statement is at page 399. He asserts that the witness Nihal Kaur, at the *thana*, said she had not seen him. (We know that on jail parade — *vide* page 53 — She refused to attempt to identify anyone). He denies the allegations against him; and says that he received the *pahul* 10 years ago in Samrala. That he has lived for 10 years in the *Bar*; and had come to Samrala searching for his sister in-law; and contributed to a coronation *gurdwara*.

His supplementary written statement (page 399) contains further protestations of loyalty; and the assertion that, at the time when he is alleged to have been at Khanna, Ferozepore, etc., he was at Nandpur, where some *lambardars* reconciled him to his brother.

The Defence witnesses are D.Ws. 282 to 290, etc; 208, 304 to 307; 325; 326; and 899. The last of these was really one of accused Randhir

Singh's witnesses; and all he says is that last July he went to accused to get a subscription for a *gurdwara* at Samrala; and that accused contributed and assisted in collecting. There is nothing in writing to support this assertion — which is adduced as proof of accused's loyalty.

D.W.282 knows nothing; and other defence witnesses endeavour to prove that on the 19th February 1915 this accused was engaged in a business transaction at his village, Nandpur. Now, not even in his supplementary statement did he give any hint as to what that business had been; and the evidence of the defence witnesses clearly leaves us to infer that the quarrel between the brothers is still subsisting. D.W. 283, a *Sirdarni*, tells us that accused is her mukhtar and produces a *bahi* to prove that accused owed her Rs. 1400. According to her, the accused offered to transfer his land to her; and starting from her own village on the 7th *Phagan* with accused, she reached Nandpur on the 9th *Phagan* (19th February), and remained some 10 days with accused. The transfer was not effected because of a quarrel between accused and his brother. He went again after certain correspondence; and three postcards (marked Exh. D. 23) have been put in-which obviously do not strengthen accused's case.

The remaining witnesses, including accused's nephew and D.W. 285 (who has lost his dairy), have endeavoured to support this utterly unconvincing story of an *alibi*. Exhibit D. 24 (a *roznamcha* report of the 27th-28th January 1915) merely purports to show that the wife of accused's brother Ishar Singh had been enticed away. The utmost it could be said to prove would be that this accused had some reason for being about in that part of the country at the end of January 1915. D.W. 309, Head Constable, refers to this *roznamcha* entry. D.W. 298, *Lambardar*, makes a bare statement that P.W. Teja Singh of Samra a was turned out of a *gurdwara* for misbehaviour. On pages 736 and 737 a e further witnesses attempting to support the *alibi*; and one says accused gave some bricks for a coronation durbar. Others support the assertion that accused took the *pahul* 10 years ago at Samrala, his former name being "Chainchal Singh". We are certainly not impressed with the defence evidence.

Counsel for the defence has argued that no approvers mention this accused. This does not look as if there had been much of an attempt to implicate him falsely; and all that Teja Singh P.W. was prepared to admit was that he and accused had been in opposite factions. We cannot

agree with the suggestion that the Police were hoodwinked by Teja Singh to arrest this accused in place of the Dharm Singh mentioned by approver Sundar Singh (A.M) as connected with the school at Lohatbadi. It is pointed out that P.W. Isa pointsman made mistakes in Court when identifying; but the fact remains that he did identify this accused as one of those at Phem-Ke-Kai Station. No reason appears why P.W. *Mussammat* Nihal Kaur should have spoken falsely; and it has only been alleged that she and Sundar Singh (A.M.)- who did not attempt to implicate this accused-have, at this distance of time, disagreed somewhat as to who traveled in their compartment of the train.

Though we do not consider the evidence of *Mussammat* Nihal Kaur a fabrication in any way, the fact remains that her evidence is the only really direct evidence against this accused; and though it is very probably true we feel we should not convict practically on her evidence alone.

We accordingly acquit him.

14. Ganda Singh, son of Bahadur Singh, of Khapar Kheri, Police Station Jandiala, District Amritsar, aged 27 (Ex Soldier):—

[Jail Escapee, rearrested on 03.04.1918 at Sasaram after an assault by an armed local mob along with Arjan Singh, Gujjar Singh, Inder Singh, Pala Singh and Sajjan Singh. — Eds.]

This accused, who pleaded "Not Guilty" to the charges framed against him (page 586), is not a returned emigrant.

He was brought up from Bombay, where he had enlisted in the 47th Sikh Regiment; was formally arrested on the 19th September 1915; and his statement was recorded by a Magistrate the same day. We have also to consider the confessions of certain other co-accused as affecting him.

He was identified on Jail parade of 5th October 1915 by approver Natha Singh, and in Court by approvers Natha Singh, Sundar Singh (W.G.), Kala Singh, and by Bhagat Singh (simply as a person he might have been somewhere).

Approver Sundar Singh (W.G.) tells us that after the middle of October 1914 he met accused in Amritsar in company with Kala Singh (since hanged), who had a talk with him about the *Komagata Maru* grievances, asked to see a "leader" and were directed by him to accused Gujar Singh. The witness says (page 76) that he often saw them after that, and that they encouraged him to continue with *Ghadr* work. He states that accused was one of Gujar Singh's Dewali party at Amritsar; at

Nankana fair was told about the rising; was at Tarn Taran *Masya* asking the date for a rising and was present on the *Masya* day when it was settled to meet at the Jhar Sahib. He mentions accused as present at the Jhar Sahib meetings on November 23rd and 26th; and as one of those who fed with the Dhun *zamindar* after the meeting at Khairon mound and the abortive attempt on Sarhali *Thana*.

Approvers Natha Singh and Kala Singh give corroborative evidence on these points, and the latter mentions in addition that accused used to visit the Jhar Sahib for *Ghadr* work, and was present at a *Ghadr* pamphlet recital there.

There was no cross-examination of these witnesses re enmity.

P.W. 360, Inspector Harkishen Singh, speaks as to accused's being found at Bombay enlisted in the 47th Sikh Regiment.

The statement of this accused to a Magistrate, which cannot be used against any co-accused and which has been retracted, will be found at page 401. It can, of course, be considered against accused himself. Briefly, it connects this accused with a Jhar Sahib meeting; the Khairon assembly and the attempt on Sarhali *Thana*; and says that Lal Singh of Bhure gave accused a *gandasa* which he later threw away. It makes out that accused was brought into the affair against his will by Lal Singh, and was threatened when he wished to get out of it.

He is also mentioned in the confessions of the co-accused 15 Ganda Singh Nihang, Sultan Shah, Teja Singh of Bhikiwind, and Thakur Singh, of Thatian.

Teja Singh mentions him at Khairon, Dhun and the riverside, and as in the Sarhali *Thana* attempt. Ganda Singh Nihang mentions him in the same connection and as going on to Ferozepore.

Thakur Singh, re Khairon and Sarhali; and Sultan Shah in respect of the same two incidents

Accused's statement before us will be found at page 400 of the printed record. He, of course, admits that he was (at the time of his arrest) in the 47th Sikh Regiment and says that his statement to a Magistrate was induced by ill-treatment, Kala Singh, approver, being kept with him. Denying the allegations against him he says that he had previously served for 9 years in the same regiment, and that he has a cousin at the front.

His only Defence witness was D.W. 457, a Havildar of the 47th Sikhs, who stated that accused had a good character in the regiment for some 9 years.

Accused's Counsel could only urge that if accused attended the Jhar Sahib he took no active part, and having been into the mire by Lal Singh of Bhure, got out of it as soon as he could.

We are of opinion that the accused's guilt is clearly established; that he early joined the revolutionary movement and took part in the armed array at the Jhar Sahib and thereby committed the offence of waging war under section 121, Indian Penal Code, and **accordingly sentence him to transportation for life, and direct that his property liable to forfeiture be forfeited to the Crown. As he is not an important person, we recommend him to mercy and that the penalty of forfeiture be not enforced. — 10 Years**

15. Ganda Singh, alias Sangat Singh, son of Jowala Singh, of Sur Singh, Police Station Khalra, District Lahore, aged 45:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 588), reached India by the s.s. Kum Sang on November 11th, 1914.

He was arrested at the *Hazur Sahib*, Deccan, where (according to the Prosecution) he was passing under a false name. He was arrested in connection with the present case on October 7th, 1915; and his confession to a Magistrate was recorded three days later. We shall also have to consider in regard to him the confessions of several co-accused. He is known throughout this case chiefly as "*Ganda Singh Nihang*".

He was identified on Jail parades by the following approvers and witnesses:– Sundar Singh (W.G.), 15 Jagat Singh of Bhure (who pointed him out), Nawab Khan (as "seen somewhere"), 161, 162 and 183. In Court by Sundar Singh (W.G.), Natha Singh, Kala Singh, 15 (by name and village), 172, 177, 162 (who challenged, said "this appears to be he"), 185, Mula Singh, (as "possibly the Nihang who used to visit me at Amritsar"), and Nawab Khan (not by name, but as "seen somewhere").

Approver Amar Singh I failed to identify him in Court; and approver Bhagat Singh in Court wrongly identified him as accused Uttam Singh.

Approver Sundar Singh (W.G.), who says that accused had returned from America and had become a Nihang, states that he was introduced to him by Indar Singh of Sur Singh (L.C.C.); and that accused was at Tarn Taran *Masya*, asking the date for a rising. Later, accused with accused Budha Singh, returning from the Jhar Sahib, meets the witness,

and tells him that the date for a rising has been altered to November 26th; and accused attends that gathering. He was one of those who went on to the *zamindar* of Dhun. The cross-examination only elicited an assertion that accused was in a different *havilat* at Amritsar.

Approver Natha Singh, who belongs to this accused's village, and was able to identify accused's photograph, Exh. P. 23, corroborates that accused was at Tarn Taran *Masya*; where, he says, accused talked *Ghadr*; asked whether accused Budha Singh (mentioned by the previous witness in association with accused) and accused Sadhu Singh had yet done anything; and also said that he had been punished in Hong Kong for smuggling arms, and had returned to India for revolutionary purposes. He showed the witness a dagger (Exh. P. 21) and a large knife; and on a later occasion talked *Ghadr* in a foreign language with Budha Singh and Sadhu Singh, As per account of the Police, accused and the witness meet at a deserted *haveli* outside Jarmastpur; and a few days later, they visit Lal Singh of Bhure (L.C.C.), whom accused asks about *chavis* and the date for the rising. Some days later the accused tells witness at the witness's *haveli* that accused Sadhu Singh has brought a message that people will assemble for a rising the same night at the Jhar Sahib, and himself starts, armed with the dagger and knife, but learns on the way that the meeting has been postponed. He is at Lal Singh of Bhure's prior to the gathering of November 26th, and attends that gathering. After its dispersal he accompanies the witness to Sarhali Mandan, where he reads out a *Ghadr* pamphlet to those present- that being the first time that the witness had heard it. He is at the Khairon gathering on the 27th, with a dagger, knife and *chavi*; was the person who provided the pencil for writing down names in the Khairon note-book, Exh. P. 1; took part in the Sarhali *thana* attempt, and went on to Dhun. Cross-examined (P. 101) the witness says that he has known accused for 15 years; and admits that the accused, on one occasion when he went abroad, left clothes and ornaments with him — which the witness returned without dispute. There has, apparently, been no case between accused and the witness. The witness says that Exh. P. 21 is a Mazhbi dagger, which could be used for stabling, not cutting . (This is also said by approver Mul Singh, *Granthi* — namely, that the dagger is of the kind used for religious purposes — but, from its appearance, it could obviously be used as a weapon).

Approver Kala Singh corroborates as to accused's visiting the house of Lal Singh of Bhure (L.C.C.), and as to his being at the Jhar Sahib on

November 26th, armed with a large knife. He further states that accused made over Exh. P. 21 (dagger and sash) to him at Muktsar for *Ghadr* purposes; and it was this witness who made it over to the Police. All that was admitted in cross-examination was that he had seen accused going in and out of the *haveli* at Amritsar.

P.W.15 Jagat Singh of Bhure helped Lal Singh of his village to carry food to the Jhar Sahib conspirators, and saw accused there. P.W. 172 saw him at Lal Singh's house, and at the Jhar Sahib. P.W. 161 (who came with accused from Hong Kong) and 162 identify him as one of Natha Singh's mob, who fed at Dhun; and so does P.W. 177, the *Mahant* of Chamba, who says accused had "a cane two fingers thick" (possibly the handle of the *chavi*). P.W. 183 saw him with accused Budha Singh at Natha Singh's *haveli*; and P.W. 185 (son of Lal Singh of Bhure) says that accused, and Natha Singh and Budha Singh came to his father's house, and talked sedition, on the way to the Jhar Sahib, and that Kala Singh, approver turned up also. The accused, he says, had a knife in a leather sheath; and he has identified it as Exh. P. 26, which he saw with his father, who told him he had got it from accused. Approver Kala Singh has also identified Exh. P. 26 as a knife he saw with Lal Singh of Bhure.

P.W. 192 (a *Lambardar*) states that he learnt of accused's arrival in the village about Dewali; and that he asked accused's *Lambardar* why no report had been made of the arrival of this returned emigrant. Chanan Singh replied he had not seen him. The witness denies enmity.

P.W. 205 (late a Jamadar of the Hong Kong Police) states that accused was imprisoned for having arms, and was deported.

Approver Mula Singh states that accused was present at the Virpali *dharmsala* in Amritsar when a discussion took place with Kartar Singh of Soraba (L.C.C.), Nidhan Singh (L.C.C.) and others, about bombs and dacoities, and approver Amar Singh offered to get bomb cases. The witness was told (page 335) that "the Nihang" had been imprisoned in Hong Kong for having a pistol. Accused was also present at Sant Gulab Singh's *dharmsala* when the experimental bomb was made, and went with others to test it. He denies ever having seen accused till in Amritsar, and never quarreled with him.

Approver Amar Singh I, who failed to identify accused before us, nevertheless corroborates that "a Nihang with a long black beard" was present at the making and testing of the experimental bomb.

P.W. 346 (Mr. Slattery) states that accused was not noticed on his arrival at Calcutta; but accused has himself admitted that he came by the Kum Sang.

P.Ws. 169 (Head Constable), 191 (*Zaildar* of Sur Singh) and 192 (a *Lambardar*) testify to the search of accused's house on the 20th March 1915. Accused was not present (not having then been arrested), but we are told that his brother was. The brother, however, did not sign the *fard baramdagi* Exh. P. 99 A; but it was signed by the *Lambardar* witness. The articles said to have been discovered are Exhs. P. 99 B. (suit-case), 99 C (picture), 99 D (photograph), 99 E (3 pieces of a saw of a hacksaw), 99 F (an iron punch) and 99 G (a picture) The *Zaildar* says that the pictures were on the wall of a room.

(The photograph Exh. P. 23 has written on the back of it — "Sangat Singh, son of Bakshish Singh". We shall see later the statement of accused on the point; but the fact that the father's name appears to have been wrongly given goes to prove the prosecution allegation that accused was passing under a false name).

As regards others of the above-mentioned Exhibits, the following remarks may be made:—

> Picture P 99 C is a colored scene of a battle in the present war taken from some Japanese illustrated newspaper.
>
> Picture P 99 D is a group of six persons, one of whom is the accused.
>
> P 99 G is a group of Sovereigns of Europe.
>
> None of these is of an incriminating nature.

The co-accused who have mentioned him in their retracted confessions are Kessar Singh, Labh Singh of Waltoha, Teja Singh of Bhikewind and Thakur Singh of Thatian, and in connection with the Jhar Sahib, Khairon, Sarhali attempt and Dhun.

Accused's own confession to a Magistrate commences at page 405 of the record. The portions of it admitted by him before us are marked B, and the portions denied are marked A. It covers several pages of print; is most voluminous in detail; and all that we need really say about it here is that it affords a most complete corroboration of the statements of approvers. Towards the end of it there is a reference to Kartar Singh of Soraba (L.C.C.) not spoken of by the approvers, which affords very convincing proof that this confession was not the result of tutoring.

Accused, in his statement before us (page 403), says that he was

arrested at the *Hazur Sahib*, Deccan; but not under a false name, being known in his village as Sangat Singh, and by outsiders as Sangat Singh Nehang Singh. He was admittedly deported from Hong Kong in connection with the possession of a pistol, and says he returned to India on account of the War causing shortage of employment. He never returned to his village, being a Nihang and only admits the portion B of his statement to a Magistrate, He denies the allegations against him, and does not know the Jhar Sahib; but admits giving the *kirpan*, Exh. P. 21, to approver Kala Singh at Muktesar, because Kala Singh said "he wanted one" He went to the *Hazur Sahib* on a pilgrimage, and afterwards was ill-treated by the Police. In reply to supplementary questions (P. 405) he disclaims all knowledge of the exhibits of the No. 99 series, and says the Police have brought them up against him. In his written statement (P. 445) he alleges that he went to Muktesar on November 17th, 1914, and that the Police, Approvers and Prosecution witnesses went about concocting evidence. He makes an assertion that approver Natha Singh and his father refused to give up property worth some Rs. 500 entrusted to them; in spite of which he, apparently, also handed over a bag to be kept till his return from the *Hazur Sahib*. No case, apparently, has ever been brought.

The Defence witnesses are D.Ws. 108 to 125, 204, 622, 895 and 896 of the first group several deny ever having seen accused, and some have not seen him for years. Others say that he wanders about with *fakirs*; and D.Ws. 110 and 115 say that accused deposited property with Natha Singh, approver. (This of course, Natha Singh himself admitted) D.W. 204 only knew accused before he went abroad; D.W. 622 says accused is religiously inclined; D.W. 895 gives him a good character, and so does D.W. 896, who says accused became a Nihang Sikh and is known to him as "Sangat Singh".

Counsel for the Crown, in view of the above evidence, contented himself with saying that there was a strong case against accused.

As regards the defence argument, we have no hesitation about finding that accused made the whole of his confession, and implicated himself therein. His Counsel has argued that, since accused had been deported, he could not have told approver Natha Singh that he "had returned for revolution". This may have been mere boasting; and we cannot accept Counsel's view that the expression "a large knife in a bag" means "a *kirpan* (allowed by law) in a sheath." Natha Singh is not the only witness who mentions the "large knife". As regards the point that Natha Singh

made no mention of a *chavi* as shown by the printed record, it is entered in the notes of one Commissioner, and is to be mentioned at page 12 of the Magistrate's record of the statement of that approver. Finally, his counsel suggested that accused was merely a *Sadhu*, who possibly on his travels fell in with some of the conspirators.

That is not our view of the case.

We have no doubt that this man is a religious fanatic, and we are of opinion that it is established that he returned to India with the definite object of waging war; that he associated with other revolutionists at fairs, was present in the armed array at Jhar- Sahib-Sirhali, and was in possession of arms for the purpose of waging war. There is reason to believe he was also present on the occasion of the experimental bomb at the Virpali *dharmsala*; and we have no hesitation in finding accused guilty of waging war under section 121, Indian Penal Code, **and sentence him to transportation for life and direct that his property liable to forfeiture be forfeited to the Crown. It is unnecessary to record findings on the other charges.**

16. Ganda Singh, son of Lehna Singh, of Sur Singh, Police Station Khalra, District Lahore, aged 30 (closely related to 21):—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 590), and who is admittedly a connection by marriage of accused Hari Singh of Kakar, says that he came from Shanghai, but cannot recollect the name of the ship. According to P.W. 346 Mr. Slattery, it was possibly the s.s Mashima Maru (the vessel chartered by Nidhan Singh of the L.C.C) which reached Colombo on the 25th October 1914.

This accused was arrested on the 24th November 1914, and was interned on the 2nd December 1914.

He was identified by none of the witnesses.

P.W. 148 (formerly Sub-Inspector of Lopoke *Thana*) tells us that Sadhu Singh and Kishan Singh, Lambardars of Kakar, made a report on the 11th November 1914, which the witness passed on. It mentioned this accused and accused Hari Singh of Kakar, and the exhibits to be seen are P. 97 A.B.

Exh. P. 97 B is the translation; and, according to it, the Narain Singh mentioned hereafter was the father of a *Komagata Maru* passenger, and father-in-law of this accused; and accused and accused Hari Singh

were trying to spread sedition in the village, advocating the cause of Germany, and jail-breaking, and so forth. It mentions the name of Fauja Singh and Dipu, &c., as people who were being brainwashed with these doctrines. It mentions that both accused said they had arms.

The witness was unable to find either of these accused at the time; but both were arrested on November 24th, 1914, in Kakar. Proceedings under section 109, Criminal procedure Code, were started, but were cancelled, and the accused interned. As long afterwards as May 31st, 1915, the pistol, Exh. P. 98, was found in a pond some 8 yards behind the house which had been occupied by these accused, and was made over to the witness by Risaldar Sant Singh who died a few days before this witness made his statement to us. Cross-examined, this witness said that he knew of no ill-feeling in the village due to accused Hari Singh's purchasing land there; nor that Sub-Registrar Sadhu Singh, who effected accused's arrest had a reversionary interest in such land. He admitted that the witness Fauja Singh's statement was only recorded after arrest of the accused.

P.W. 149 is Fauja Singh. He knew Hari Singh of his village, but not this accused until he came there; and he says that both these persons talked sedition at the shop of Jaganath (produced as a Defence witness), and said that "Sikhs should be ready at the *Masya*." Teja Singh, Dalip Singh and others were present; and the witness told the 2 *lambardars* who made the report. He denies allegations of personal enmity with accused; but admittedly could not identify him, and later in his statement made an important modification to the effect that it was "Hari Singh who spoke, not this accused."

P.W. 150 corroborates, saying that Fauja Singh, witness, was one of those present; and he says that Hari Singh "was the chief lecturer, but accused talked a little." Cross-examined, he (like Fauja Singh) denied reasons for enmity with accused's father-in-law, one Narain Singh. This witness also said finally that he could not identify this accused. P.W. 188 (cross-examined) stated definitely that Narain Singh was on bad terms with P.W. Teja Singh.

P.W 191 (*Zaildar* of accused's own village Sur Singh) says that accused returned after some 13 years abroad, but only spent one night in his own village.

P.Ws. 207 and 208 are the two *lambardars* who made the report, who state that Fauja Singh, Teja Singh and others reported to them that accused and Hari Singh had talked sedition at Jaganath's shop. Both

witnesses, as *lambardars*, have had to recover from accused's father-in-law Narain Singh by legal process. P.W. 209 is the person who actually found the pistol in the *chhappar*; but he admits cross-cases 2 years ago with accused's father-in-law.

Accused's statement will be found at page 411 of the record. He says he returned to India on account of the deaths of a brother and a nephew. He, of course, knows nothing about the pistol; and says that he does not even know Jaganath's shop, and only came to Kakar village the night before he was arrested.

His Defence witnesses are D.Ws. 497 to 501 inclusive; of whom D.W. 500 is the aforesaid Narain Singh. The first of these witnesses tells us that accused's brother died and his father-in-law sent for him to look after the land. He says that accused, after his return, spent a fortnight in his own village without talking seditiously, and then went to Kakar. D.W. 499 says, to fetch his wife. D.W. 501 corroborates this last assertion; as, of course, does Narain Singh, who supports the story of enmity on the part of the Kakar villagers owing to his and accused Hari Singh of Kakar's having bought land from a childless proprietor.

In arguments, Counsel for the Crown admitted that the prosecution witnesses favoured accused; and, in our opinion, the case against him is not so strong as the case against accused Hari Singh of Kakar. Admittedly, the discovery of the pistol cannot be pressed against him. His Counsel naturally urges that no one has identified him; and that even prosecution witnesses favour him; and that P.W. 191 (the *Zaildar* of Sur Singh) could not identify him, and belonged to a different *patti*.

It is quite possible that this accused has been bracketed with accused Hari Singh simply because he happened to be his connection by marriage, and living with him; and it is also possible that accused, if he spoke at all at Jaganath's shop, was only endorsing the remarks of Hari Singh with the idea of making himself popular in a strange village. We think there may be a doubt as to his guilt.

Giving him the benefit of doubt, we acquit him.

17. Gandha Singh, *alias* Bhagat Singh, son of Jawala Singh, of Kacher Bhan, Police Station Zira, Ferozepore.

[Absconded, but finally arrested and sentenced to death in the Ferozeshahr Murder Case. — Eds.]

18. Gujar Singh, son of Sham Singh, of Bhakna, Police Station Chiranda, District Amritsar, aged 37 (Ex-soldier):—

[Jail Escapee, rearrested on 03.04.1918 at Sasaram along with 5 others by a mob of locals who attacked them; he got a big wound on his jaw. — Eds.]

Gujjar Singh

Gujjar Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (page 754) was acquitted by this Court in the Lahore Conspiracy Case. The charges therein framed against him can be seen from that record; and the concluding remarks of this Court on his individual case in the Judgment ran as follows:— "From the above evidence it appears to us that the only overt act of this accused in connection with a conspiracy seems to be his attending one meeting; and the bulk of the evidence against him concerns matters of which one or other of the approvers became cognizant through some one else. The accused may have had leanings in favour of the conspirators; and it may have been his good fortune that he was interned before he had an opportunity of doing mischief. There is a doubt in his case, though we are certainly not prepared to say that the approvers have concocted their stories against him. We do not think the evidence sufficiently strong for a conviction of this accused of any offence."

After hearing considerable arguments of Counsel on both sides, this Court passed the order on page 754 (one Commissioner dissenting):– "After careful consideration of the law applicable to the case, the majority of the commissioners is of opinion that the accused Gujar Singh (18) should be charged. If it be considered necessary later, a detailed order, giving reasons, will be placed on the record. The accused is accordingly charged." This order was dated the 18th February 1916. Our detailed order is now given at the end of this case.

This accused, who admittedly belongs to the same village as the

important accused in the Lahore Conspiracy Case, *Bhai* Sohan Singh, is alleged to have brought a revolutionary party from Shanghai via Hong Kong; and to have reached Calcutta by the Nam Sang on the 13th October 1914. He admittedly arrived on that date; but says he cannot remember the name of his ship. The allegations regarding him and his "party" will be found in the complaint at pages 11, 16, 17 and 27 of the printed record of the present.

The accused was interned in Hissar Jail on 18th November 1914. We shall also have to consider with regard to him the confessions of certain co-accused.

He was identified as follows:– On jail parade by approver Sundar Singh (W.G.); and in Court by that approver and P.W. 185 (son of Lal Singh of Bhure of the L.C.C.). Also by approvers Mula Singh and Amar Singh, I; both of whom, no doubt, saw him at his last trial Approver Kala Singh failed to identify him in Court; and gave as the reason that accused's "appearance was different."

Approver Sundar Singh (W.G.) has a lengthy story about him, which runs as follows:— The accused, a sepoy in the Municipal Police at Shanghai, collected and sent to the notorious *Har* Dyal 100 dollars; and early in 1914 (so the witness heard) arranged for a supply of *Ghadr* newspapers through a Japanese firm, which he distributed. He gives Gurdit Singh of *Komagata Maru* fame 100 dollars; and was instrumental in twice getting Buta Singh (Secretary of the Shanghai Gurdwara Committee) beaten for objecting to the sending to Gurdit Singh of 500 dollars of the Gurdwara funds. The accused reads out letters received by accused Karm Chand, Kohli, from Gurdit Singh; and in May of 1914 is dismissed from the police, because a letter from Bhagwan Singh (the revolutionist deported from Canada) has been found in his possession. In July 1914, he reads out a letter re the return of Indians from America for a revolution; preaches sedition and tells men to resign their posts; and says that Karm Chand, Kohli, has received a letter from Sohan Singh (L.C.C.) of his (accused's) village to the effect that Sohan Singh is returning from America to raise a rebellion.

It is a point to notice here that there is nothing to show that this accused himself, though of Sohan Singh's village, was in touch with him. Or, are we to suppose that accused wished to safeguard himself by attributing receipt of that letter (which he is not said to have read out) to Karm Chand, Kohli?

To continue the witness' recital:– During July 1914 the accused tells the witness that accused 85 Sundar Singh of Doulu Nangal and the notorious "Dr" Mathra Singh have arrived from Hong Kong; and urges the witness resign and go with them to India. The witness, accused and Sundar Singh Doulu Nangal live with accused Balwant Singh, absconder; and they others take an oath on the *Granth Sahib* to devote themselves to *Ghadr* cause, for the funds of which accused Jindar Singh (a Police Constable) gives 20 dollars to this accused. Accused then tells the witness, Balwant Singh, absconder, and accused Suja Singh to go to Hong Kong with "Dr" Mathra Singh's "party", saying that he and Sundar Singh of Doulu Nangal will follow after getting arms; and he makes over a bundle of *Ghadr* papers to Mathra Singh to distribute to policemen and watchmen. On the 13th October 1914 the witness finds accused, who had followed by another boat from Shanghai with some 40 persons, including the aforesaid Sohan Singh (L.C.C.), at Howrah Station with "Party". He tells the witness of Sohan Singh's arrest, and that Sohan Singh had in Japan supplied the *Komagata Maru* passengers with pistols; these pistols were mentioned in connection with Sohan Singh in the last case by approver Nawab Khan; but, how did this approver come to hear of them, (in the manner he alleges?) To continue, accused tells the witness to the Amritsar Clock Tower at Dewali time; and is himself removed from train at Ludhiana by the Police with others who had not tickets for Amritsar. He, however, turns up there with a party of men about October 17th at Nanak Singh's *chaubara*; issues orders that, to avoid discovery, there shall be no disturbance at Dewali time; offers monetary help, and says that people will be told what to do after the Dewali, and meanwhile people should be ready for a rising and spread the about the "*Komagata Maru*" passengers. After the Dewali fair, accused sends men to their homes; saying that no date has yet been fixed and their members are few, and that he himself will issue instructions to the upon the Khasa side of the Manjha, whilst accused Wisakha Singh will be the men of the Patti side of the date for a rising. About the end of 19th the witness and Harnam Singh of Sialkot (L.C.C.) fetch to Khasa station, where accused says that no date has been fixed; but the as a "committee" will meet next day, his visitors should not attend the Nankana fair. He further says that he has given Lal Singh of Bhure Rs. 50 for *chavis*, and will send Rs. 50 more. At the Nankana fair (to which the witness goes, after all) the witness tells a "left handed Mona leader" (presumably, approver Amar

Singh, who is a *vide* page 78) Mona, and whose *pagri* is tied in a left-handed manner) to meet this accused at Khasa to fix a date for the rising. (The statement of Amar Singh, I, approver should be compared on this point, — *vide* towards the bottom of page 346. He does not actually say he went to Khasa to meet his accused, though he says on page 347 that accused's station is Khasa, but statement is clearly corroborative of approver Sundar Singh (W.G.) on when he says "I went to Nankana Sahib... and met Sundar Singh (W.G.) and others. Sundar Singh told me to meet him at Khasa station to 6th for *Ghadr* work. On the 6th, I and Parmanand of Jhansi (L.C.C.) to Khasa, but did not find Sundar Singh... and I went to Phagwara we shall see from Amar Singh's statement, he first met this accused a Phagwara meeting).

To continue approver Sundar Singh's statement:— A few days after the Nankana fair, the witness meets this accused in company with the well-known revolutionaries Jagat Ram and Kartar Singh (L.C.C.); and the accused tell him that his companions can make bombs and aeroplanes, and are going to Bengal for arms, intending to return to some small station. [This witness identified both Kartar Singh and Jagat Ram in the condemned cells at Lahore Central Jail.] Accused tells the witness that accused Sundar Singh of Doulu Nangal will be at the Beas station to receive the men bringing arms. He sends the witness to Lal Singh of Bhure (L.C.C.) to see if *chavis* are ready; and is named to the witness by accused Sundar Singh of Doulu Nangal as one of a "committee" which fixed the date for a rising as November 15th. On the day of the Tarn Taran *Masya* the witness hears that accused has been arrested the night before near the old Leper House. Now, this is a very lengthy and detailed statement; and, as we shall see, there is evidence in corroboration of different portions of it. The cross-examination was rather meager, and is to the following effect. The witness says that he does not know whether this accused knows English; but he does know Gurmukhi. He only heard accused refer to 2 letters from America. He was actually present when accused collected the 100 dollars; but, as regards their dispatch to Hardyal, he only heard of this from accused. He heard accused deliver lectures in a garden and elsewhere. "Doctor Mathra Singh's" and Sundar Singh of Doulu Nangal's "parties" (he says) were Sub-divisions of this accused's "party". He denies that he ever tried for the post of *Granthi* at Yangtsebu or Shanghai; admits that he was invited to oppose the candidature of one Rur Singh; but says that accused did not oppose him (the witness) and

was not even there at the time. He asserts that he was actually in his *Thana* (the witness himself, like accused, was in the Shanghai Municipal Police) when Bhagwan Singh's communication arrived for accused, i.e, the one which, according to the witness, led to accused's dismissal from the Police Force.

Approver Natha Singh states that accused Budha Singh and Channan Singh (since hanged) named accused as one of the Amritsar Dewali "committee"; and says further that Jagat Singh (L.C.C.) told him that accused was expecting pistols from China, and that the witness should get one "first of all". Further, that accused Budha Singh and accused Sadhu Singh named this accused as one of the principal men for the proposed *Masya* meeting. This approver was not cross-examined for accused.

Approver Kala Singh first meets accused with 2 others at the Jhar Sahib, where accused reads out a *Ghadr* paper and preaches. The witness certainly failed to identify this accused in Court (saying, "his appearance was different"); but he says that Lal Singh of Bhure introduced accused to him as a "leader of the *Khalsa*," and that accused asked Lal Singh to take delivery at Khasa station of a sack of *makki* containing pistols; and made enquiries from him about *chavis* and *gandasas*, giving him Rs. 50 (compare approver Sundar Singh's statement re the Rs. 50 given to Lal Singh). Cross-examined, the witness says that he only saw this accused on that one occasion (presumably that is why he failed to identify him); and that no railway receipt was then made over to him or to Lal Singh.

P.W. 138 (a *Lambardar*) says that accused, after his return from abroad, was more often out of his village than in it, during 1½ months. He did not report accused's absence, as he belongs to a different *patti*; and has no enmity with him. He admits having given evidence against one Labh Singh, who was imprisoned.

P.W. 184 (Suba Singh of Munda) states that he knew accused in Shanghai, where he was a good worker; but got *Ghadr* ideas. The accused began to get papers from America, collect money and stir up people; and was dismissed from the Police. He denies that the accused was expelled from the *gurdwara* for drunkenness, or complained against him about an assault on a Chinaman.

P.W. 185 is the son of Lal Singh of Bhure; he is the nephew of accused Balwant Singh, absconder (with whom the approver Sundar Singh alleges that he lived at one time in Shanghai, along with this accused).

There would, therefore, be nothing peculiar about this accused's visiting Lal Singh of Bhure's house; but the witness says that this accused, on 3 occasions (once, just after Dewali, with Balwant Singh, and once with Channan Singh, one of the Walla Bridge murderers) came to Lal Singh's, and read out the *Ghadr* newspaper. On one occasion accused said he was expecting a consignment of pistols. Cross-examined, he merely said that he had not seen accused at Lahore; and that accused did not come after the *Masya* (presumably, because he had been arrested).

Approver Mula Singh (who, of course, saw this accused in the last case) says that Lal Singh of Bhure told him at the *Masya* fair at Tarn Taran that accused had collected a number of men, but had been arrested; and also, that accused and Kartar Singh of Soraba and Nidhan Singh (L.C.C.) had been arranging for arms, but had not supplied them. (Sundar Singh, approver, of course, mentioned Kartar Singh and Jagat Ram in this connection; but we do know from other evidence that Kartar Singh (L.C.C.) did unsuccessfully visit Bengal to get arms).

In cross-examination, Mula Singh says that he does not remember whether he stated in the last case that accused collected men (and we can find no note of it), but it is true that in the last case this approver stated "I was perhaps told by Lal Singh" that accused had promised arms.

Approver Amar Singh, I, states that he first met accused at a Phagwara meeting when Jagat Ram, Nidhan Singh (both of L.C.C.) and others were present; but he is wrong in putting the date of this meeting as November the 22nd or 23rd. The latter date is that of a Jhar Sahib meeting; but, as we decided in the last case (and we still adhere to that opinion), the date of that Phagwara meeting was November 12th, and was the one mentioned by us in our remarks in our last judgment re this accused, which remarks we have quoted now. Approver Amar Singh, I, tells us that at that meeting Jagat Ram told that meeting that Kartar Singh (L.C.C.) and Parmanand of Jhansi (L.C.C.) had gone to Calcutta for arms; and that accused was to await Kartar Singh 's arrival at Mian Mir. The witness further states that later on, at the "Hindu Hotel," Lahore, Kartar Singh (L.C.C.) said that accused should be informed of the failure of the Mian Mir scheme; but it was found that accused had already been arrested.

Approver Nawab Khan states that, at the Ladowal meeting of November 17th Kartar Singh (L.C.C.) said that this accused was preparing bombs; and sent Jagat Ram (L.C.C.) to find out why this accused had

not attended that meeting. Further, that at the Moga meeting of November 19th, 1914, the same Kartar Singh said that he had failed to meet accused, who had 1100 men (we know that the revolutionists were given to exaggerating their numbers; and we must also bear in mind that this accused was interned on the 18th of November). We can find nothing of any value to this accused elicited in cross-examination of this approver.

The accused is mentioned in the confessions of four co-accused.

Bogh Singh (accused 5) stated accused came to the Jhar Sahib 12 days after Diwali with Lal Singh of Bhure and another person, where revolution was discussed the principal part being taken by Lal Singh.

Kessar Singh (accused 45) stated that accused and Hari Singh (accused) started urging men in Shanghai to return to India for mutiny and recited the *Ghadr* there and were instrumental in thrashing one Buta Singh who tried to stop them.

On Sohan Singh's arrival (he stated) Gujar Singh and others influenced by his teaching left for India.

Kessar Singh followed by the Mashima Maru, but has not mentioned seeing Gujar Singh in India. Teja Singh (accused 90) also stated that in Shanghai accused urged people to return to India to free the land and kill the English, and paid the confessing accused's fare to India. He sailed on the same ship as accused and traveled up-country from Calcutta to Amritsar with him. He was told in Amritsar by Sundar Singh (W.G.), he was going to meet Gujar Singh at Khasa to fix a date and he accompanied him there, where Sundar Singh and Gujar Singh had a consultation.

Thakar Singh (accused 93) referred to Gujar Singh leaving Shanghai for India with others, and at Hong Kong accused and Sohan Singh (L.C.C.) offered to pay his and others fares, provided that on return to India they would do what they were told.

The confessing accused accepted the offer and sailed with Sohan Singh and Gujar Singh. *En route Ghadr* was discussed, and articles from the *Ghadr* paper read out, in which Gujar Singh took a prominent part; the sum and substance of these harangues being the overthrow of the British Government and the indiscriminate murder of Englishmen. He traveled up-country with Gujar Singh from Calcutta, and at Amritsar he enquired from Gujar Singh if he might go to his village and was directed to take orders from Wasakha Singh (accused).

The accused's statement and supplementary statement will be found on pages 411 and 824 of the record.

He admits returning home by the Nam Sang as he was out of employment, but denies all the allegations made against him by the prosecution witnesses. He admits being dismissed from the Shanghai Police, but he says it was on account of indolence, and admits his arrest on the day before the *Masya*.

He states that Sundar Singh (W.G.) is on terms of enmity because he opposed his candidature for the *Mahantship* of the Shanghai Gurdwara, and says Channan Singh identifies him because he saw him when interviewing his father Lal Singh in Jail during the previous case.

He also urges that, though frequently searched on the way home, nothing incriminating was found on him. He also asserts Suba Singh is on terms of enmity with him, and accuses the Police of suborning evidence.

He has produced 27 witnesses in defence. Of these witnesses D.W, 984 to 997 inclusive merely depose that on return to India, accused came to his village, was never visited by emigrants, and attended a *bhog* the day before *Masya*.

D.W. 998-99 say he is of good character and got men to recruit; when, however, is not made clear.

D.W. 1008, 1010-13, 1015-16 and 1034 depose that accused and Suba Singh witness had a violent quarrel in the Shanghai Gurdwara, and later over a prostitute, and deny that accused ever propagated sedition in Shanghai, and also that accused opposed Sundar Singh's candidature as a *Mahant*.

D.W. 1009, Deputy Jailor, merely says that Channan Singh interviewed his father in Jail on the same day that accused saw one Sham Singh, but has no knowledge if they met.

D.W. 1013 denies there was any *Ghadr* lecturing on the Nam Sang; so, too, do D.W. 1014 and 1034.

Counsel for accused urges the plea of *autrefois acquit* (previously aquitted — Eds.), which we will deal with later and asks why his client is charged with waging war now, when he was only charged with abetting before, forgetting that there is much new evidence now against him, and also that there is no real difference in the ultimate result, and that acts of war committed during a war are equally acts of abetment in aid.

He urges also many legal objections to the charge of "waging war" which we have already sufficiently dealt with in Part III. On the particular case he lays emphasis on Sundar Singh, W.G.'s alleged enmity, but Sundar Singh is not the only witness; and asserts P.W. 184 is an enemy,

and that there is practically no identification by any other witnesses.

He also says that Bogh Singh's confession only mentions a Gujar Singh as being at the Jhar Sahib, which is correct; but we have never heard of any other in the case, and there are other witnesses as to his going there. True, Kala Singh fails to identify him, but Channan Singh does.

He urges that P.W. 138 has improved on his statement in the last case, but the so-called improvement is infinitesimal and of no import.

He also urges that Gujar Singh could not have been a leader in Shanghai as Jawala Singh, Balwant Singh, Sahib Singh and Hari Singh do not mention him; but it is not clear they ever had any opportunity of meeting. No doubt the real leader of the Nam Sang party was Sohan Singh of the accused's own village, but the argument that the witness Sundar Singh W.G. was induced by the Police to implicate him because he was acquitted in the first case has no ground for Sundar Singh implicating him even on 18th July; and our order of acquittal was on the 13th September.

The final contention is that Natha Singh does not mention him as being at the Jhar Sahib, as he should have done.

To this the Government Advocate's reply is convincing viz., accused was under arrest when Natha Singh went there, and no one ever alleges accused was in the Jhar Sahib-Sarhali affair.

The Government Advocates ask us for the death penalty as he was an active seducer and leader.

We are in entire agreement on the facts.

We are satisfied that accused took an active part in seducing people in Shanghai and Hong Kong and in organizing there a *Ghadr* party; and if not the most prominent organizer of the Nam Sang gang helped considerably in getting that array together and leading them to India, and became on arrival in India a sort of gang-leader, whose activities were cut short by an early arrest.

He arranged for arms, and kept men in touch for the expected revolution in India and did what he could in the short time he was at liberty to fan the fire of revolt.

Though he is of some importance, we do not regard him as quite so serious as the Government Advocate does, and we are of opinion he is guilty under section-121, Indian Penal Code, for waging and abetting the waging of war.

Before arriving at the sentence, we have to note that we are not in agreement as to whether the plea of *autrefois acquit* is valid.

One of us, Rai Bahadur Pandit Sheo Narain, thinks the plea valid; the rest of us disagree with him. The opinion of the majority must prevail.

We give here the separate opinions of the minority and majority.

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Opinion of Rai Bahadur Pandit Sheo Narain

The accused No. 18 in this case was No. 19 in the Lahore Conspiracy Case. He was charged in that case, firstly, under section 121, Indian Penal Code, for abetment of waging war against the King-Emperor on or about the 23rd of November 1914, at Phagwara, and "till interned;" secondly, that he at the said time and place, and subsequently, conspired to wage war against the King-Emperor, abetted the commission of mutiny by His Majesty's soldiers, and attempted to seduce certain Indian soldiers at various places. For these acts he was charged under sections 121-A, 131 and 132. Thirdly, he was charged under sections 122-109, 124A-109, 302-109, 395-397, 398, 109 by reason of the printing and circulation of seditious literature, collection of men, money, arms, munitions, bombs and chemicals for bombs, manufacture of bombs, commission of dacoities, some accompanied with murder, and the murder of Masum Ali Shah, Head constable. These acts were not alleged to have been done by him, but by other conspirators; he was charged for them as a conspirator responsible for the actions of other conspirators. The accused was acquitted by this Court on the 13th September 1915. He is again prosecuted along with several others in the present case, in which the complaint covers the same sections of the Indian Penal that he was charged with in the former case.

At the very outset a plea of *autrefois acquits* was urged on his behalf by his Council, Mr. Mukhand Lal, Puri. The decision of it was deferred till this Court had heard all the evidence which the prosecution proposed to call against him. This evidence having been examined, the arguments of Counsel were heard. It has been argued by the learned Counsel for the Defence, that the test by which the question whether such a plea is a sufficient bar in a particular case is, whether the evidence necessary to support the second indictment would have been sufficient to procure a conviction upon the first; and that a trial is said to be upon the same facts

if the evidence in the first trial would support a conviction for the offence charged in the second. Authorities noted in the margin have been cited. The learned Government Advocate's reply was that the rule above stated is correct; but that it is inapplicable to the facts of the present case, inasmuch as count No.1 of the charges in the first case related to a specific meeting, and to anything that the accused did, till he was interned. According to him, the acquittal of the accused on that charge is no bar if the prosecution can establish such other acts of the accused prior to the Phagwara meeting (which the Government Advocate in the former case admitted to have been held on the 12th of November instead of the 23rd or 24th) which may amount to an offence or offences in law; that if it be conceded that the accused is liable to be tried for commission of any offence committed by him subsequent to the trial, there exists no logical reason why he should not be charged for commission of offences committed prior to the acts charged in the former charge. In other words, the argument briefly put is, that if certain individual acts amount to offences, and a man is charged for only one of them, he can be charged again for the others, no matter whether they happen to be before or after the time stated in the former charge; and that the protection afforded by section 403, Criminal Procedure Code, can only be availed of if the offences are identical arising out of the same facts, subject to the qualifications given in clauses 2, 3, and 4 to that section. The Government Advocate refers to the proof of certain acts of the accused prior to 12th of November as constituting distinct offences, with the commission of which, according to him, the accused was never charged at the former trial.

It is assumed for the present argument that the fresh evidence produced proves the acts alleged; and on that basis the learned Counsel for the Defence has rejoined that count No. 2 and count No. 3 of the former charge can under no circumstances be re-framed against the accused. With regard to the charge-ability of the accused a second time under section 121, Indian Penal Code his argument is, that the offences or offences now sought to be charged were covered by Count No.1 of the former charge; in as much as all the traceable actions of the accused from the moment of the conception of a conspiracy to wage war, which was born in America, up to the date of his internment, were all before the Court in the former trial; and that if the prosecution had not possession or knowledge of necessary evidence to prove all the intermediate acts of

the accused, and could only lay hold of one fact, i.e., his participation in a particular meeting at Phagwara, or if the evidence adduced fell short of proving any other acts in the series, or were unable to link the Phagwara meeting with other antecedent conferences or meeting to wage war, it does not follow that the Phagwara meeting was in any way separate from the general movement. The evidence now called, if it had been then before the Court, would have rendered the accused guilty of either actual waging war, or abetment of, or attempt to wage war.

I have given the question my anxious consideration; the more so because, if I err in holding that he can be tried again, the accused cannot get the error corrected nor be able to seek relief in any other way than by way of clemency from the Crown. In a case reported in 25 Allahabad Weekly Notes 238-2, Criminal Law Journal, 790, the facts were that in proof of his allegation the accused had tendered in evidence in connection with one transaction 6 bonds alleged to be forgeries. He was charged with the forgery of one, and was acquitted. He was sought to be charged subsequently, with the forgery of another of them. Although the High Court held that he could be charged for forging the second, yet it interfered on the revision side and quashed the proceedings in the interests of Justice. This advantage the accused cannot enjoy in the present case. Consequently, if there be any doubts on the subject, I would incline towards giving the accused the benefit of it.

The question is not free from difficulty, but after all the consideration that I have been able to give to it, my conclusion is that the plea ought to prevail.

Turning to the part of the Judgment dealing with the accused in the former case, I find that Amar Singh, approver, is stated to have said that at a Moga meeting Kartar Singh, one of the conspirators, named the accused as one who was "ready to help". The statement of Kartar Singh to Amar Singh (admissible under section 10, Evidence Act) was meant to prove the readiness of the accused to assist in the prosecution of the war. Amar Singh further stated that he and Kartar Singh went to accused's village, but did not find him there; and that Nidhan Singh was deputed from the Mullanpur-Buddowal meeting, to inform the accused of the plan of attack.

Mula Singh, another approver, is stated to have said that he learnt from Lal Singh (L.C.C.) and Jaggat Singh (L.C.C.) that the accused had promised arms.

The third approver, Nawab Khan, who, however, could not identify him in Court, said that he was told by Kartar Singh (evidence admissible under section 10) that the accused had charge of some bombs.

The Court on that evidence gave the benefit of the doubt to the accused, without holding that the approvers had concocted their stories against him. Now, applying the test above indicated, there seems to be little or no doubt that, had the evidence now produced been produced in the former case, he would have been charged and convicted under section 121 for either waging of war, which was held in the former Judgment to have commenced in America, and continued on the voyage as well as in India, or for abetment or attempt thereof. The accused was interned on the 18th of November; and no action of his was proved in the former case from the 12th of November up to 18th of November; and none has been proved in the present case.

In the Judgment of the Lahore Conspiracy Case, page 4, the case for the prosecution is thus described;-

"The indictment in brief is, except in the case of Dalip Singh, a local dacoit, that a conspiracy to wage war and overthrow the British Government in India was formed in America in May 1913; and a number of Indians returned to India with that intent in 1914. In India several recruits to the organization were added. In carrying out the objects of the conspiracy, *inter alia*, dacoities, sometimes with murder, were committed in order to obtain money wherewith to purchase arms; attempts, sometimes successful, to seduce troops were made; arms and ammunition procured, bombs manufactured, police officers murdered; and revolutionary literature was circulated in America, *en route* to India, and in India after arrival."

The complaint in the present case is in substance, if not identically the same, though some ramifications of the conspiracy are described in greater detail. In the present complaint the case of the present accused, though not exhaustively, is summarized thus:-

"At Shanghai was in communications with the leaders of the conspiracy in America. Was leader of a party who left Shanghai for India for purposes of the conspiracy. Was in the assembly at Amritsar and instructed conspirators present. Ordered a large number of *chhavis* to be made. Read the *Ghadr* at Jhar Sahib Attended a meeting of conspirators at Phagwara and took a very active part till he was interned on the 18th November and was thereafter unable to take further action in the conspiracy."

Now, if we treat the various acts of the accused, as disclosed by the present evidence (some of which will be mentioned later by way of illustration) as individual offences disassociated from the general scheme of waging war, every one of them would have come at least under one or more offences specified either in count No. 2 or 3 of the former charge. Consequently had the present evidence been forthcoming at the first trial, the accused would have been convicted under counts 2 or 3, or both, of the charge in that case. If, however, we take all of them cumulatively as a series in waging war or links in the chain; in other words, parts of the same transaction; the accused would have been convicted under section 121 either for waging war or abetment or attempt thereof. Although he was charged for abetment of waging war, it was well within the jurisdiction of the Tribunal, on the same charge of abetment of waging war, to convict him of attempt or actual waging of war, provided it came to the conclusion on the evidence that waging war, or attempt to wage war was established. The attempt, the abetment and the actual waging are on a par in section 121; and, being cognate to each other, I am inclined to the view that on a charge of abetment, which is not a lesser offence by any means, the accused could have been convicted for actual waging war or attempt thereof, c.f. the words of clause (2) of section 6 of the Defence of India Act, and section 237, clause (2), Criminal Procedure Code.

Now, waging war may consist of one act complete in itself; or several acts when taken individually as isolated acts not amounting to waging war, but when taken together may constitute waging war.

Let us examine some of the acts of the accused as disclosed in the present evidence; and view them as distinct acts. The remittance of 100 dollars to *Har* Dyal may well come within the words "otherwise prepares to wage war" under section 122; the arrangement for the distribution of the *Ghadr* newspaper and the recitations from it can come under section 124 A; urging men to resign their posts, and swearing by the *Granth* to do *ghadr* can come under section 121A; promises of monetary help may be of preparation for waging war; ordering arms would come under section 122; deputing another conspirator to receive arms at a particular place could come under section 122; similarly, being detailed to receive arms from another conspirator would come under section 122; urging a particular person or persons to go to India and do the waging of war may be part of a conspiracy, under section 121A. It may also amount to

abetment to wage war under section 121.

The above are some of the instances of individual acts, which, if taken singly, and shorn of their antecedents or inter-connection, would not amount to waging war under section 121; some may amount to abetment of waging war, but these acts, when taken together, may prove that the accused was a conspirator in the original conspiracy which, later, developed into actual perpetration of an offence under section 121. If, therefore, the present accused by reason of any act now disclosed had abetted the waging of war, he has been acquitted of it; though his participation in a specific meeting was the only act the prosecution could then discover. If he was guilty by reason of any act now disclosed of actual waging of war, he could have been convicted of it at the former trial, though he was charged only for abetment.

I confess I have not appreciated the argument that if a man indulges in waging war and does several acts in course of it, every act of his towards the prosecution of it, is in itself a separate offence of waging war and separately punishable under section 121, whenever that act is discovered, though he has been convicted or acquitted with reference to some of his acts in a series. Take, for instance, the following hypothetical case:—

'A' makes up his mind to wage war against the King-Emperor. He collects men, materials and all the sinews of war with the object and begins his campaign. First, he demolishes a Court of Justice; then he liberates prisoners from a jail; then loots a treasury next sets fire to some barracks, or steals munitions. Can it be reasonably argued that he has committed waging war six times over by reason of each of the above facts? I should think not. He has committed, according to my view, waging of war; and every act that he has committed is one of the series in the same transaction; although each individual act is also punishable under some other sections of the Penal Court. He could therefore, be charged for waging war, if they be taken as part and parcel of one transaction; as well as for offences under other sections, according as each individual act, as separated and divested of inter-connection, comes under some section.

As already observed, the accused could have been convicted, either for waging war or abetment of waging war or attempt at waging war; or under counts 2 or 3, or both, of the former charge, had the acts of the accused, now disclosed in the evidence, been proved at the former trial.

I was afraid, were I to adopt the learned Government Advocate's argument in all its logical conclusions, the result would be that I should have to hold that every act now sought to be proved amount to an offence under section 121; and that if any one of these acts perchance happens to be omitted from the charge in the present case, the accused could be charged over again yet a third time for it — a state of things hardly contemplated by the legislature or consonant with Justice.

Lets us now examine section 403 a little more carefully in the light of criminal procedure in England.

The literature in India on the subject is very scanty. There are a few cases, which on examination do not exactly deal with the point under discussion. Mr. Petman referred to a case noted in Mr. Swanadhan's Edition of the Criminal Procedure. It is reported as 7 Sutherland Weekly Reporter, (Cr) page 15. The facts in that case were:– Two *pattahs* were produced by a party, which were alleged to be forgeries, and the charge related to one of them, on which the accused was acquitted, though both of the documents were dealt with together, and evidence was adduced as if both were the subject of the charge. The accused was charged again as to the second document. Mr. Justice Markhy and Kemp J. differed; while the Chief Justice, Sir Barnes Peacock, agreed with Kemp J. that the mistake of the prosecution in mixing up the two did not affect the rule of law, which did not allow acquittal in respect of one document to operate as a bar to the trial of the accused in regard to the second.

I have consulted Archbold's Criminal Pleading, 24th Edition, page 177, where all the English cases on the point are collected. To my mind, they afford no guide; as there is not in them any case of waging war.

I quote, however, the following general principle from Halsbury's "Laws of England." It is:—

"Whether the Defendant has previously been in jeopardy in respect of the charge on which he is arraigned; for the rule of law is that a person must not be put in peril for the same offence." (Halsbuty IX, page 355).

As a matter of fact, the system of indictments in England is materially different from what the Indian Statute lays down. Take, for instance, an English case:—

An acquittal on an indictment for breaking into and entering a dwelling house, and stealing there, is not a bar to an indictment on the same facts, for breaking into and entering a dwelling-house, with intent to steal; R.V. Vandercomb, 2 Leach 708. Bearing the terms of section

403, Criminal Procedure Code, in mind, it need hardly said that this statement of the English Law is not one which can be followed in India. Notwithstanding the peculiar system of Criminal pleading in England, the rule there too is:-

"If there is a variance between the former record and the present indictment in the description of the offence, it may be made good by evidence showing that in substance the evidence necessary to support the present indictment would have been sufficient to convict the prisoner upon the former." Archbold page 181. The italics are mine.

In India, we have to take section 403 for our guide, which runs thus:—

"Section 403 (1) A person who has once been tried by a Court of competent jurisdiction for an offence, and convicted or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which he might have been convicted under section 237."

To the above, three exceptions are added: namely, clause (2) Which deals with liability to be tried again when a separate charge could have been framed under section 135 (1); clause (3) which deals with an offence developing into a different offence by reason of subsequent consequences; clause (4) deals with cases where the subsequent charge was for want of jurisdiction not triable by the former trial Judge.

Suppose the accused were to be charged again in the present case, the counts of charge, omitting details, would be somewhat like the following:—

(I) (a) That you did certain acts at Shanghai, in the summer of 1914;
(b) That you did certain acts on the voyage to India, before the 12th of November 1914;
(c) That you did certain acts in India (at Calcutta, Amritsar, Bhure and the Jhar Sahib) before the 12th of November 1914;

All of which amount to waging war, or abetment of waging war, or attempt thereof, and that you thereby committed the offence of waging war, or attempting to wage war, or abetment of waging war, punishable under section 121, Indian Penal Code.

(II) That you conspired to wage war at the same times and places mentioned in count (1); and are guilty under section 121A.

In the charge at the former trial the words "till interned" are clear enough to indicate that that was the *terminus adquem* of the acts of the

accused; though the charge does not specify the *terminus a quo*, namely, the commencement of the campaign. Considering the complaint and evidence in the former trial and the charge, I am of opinion that the accused was in jeopardy for all his acts, commencing from the inception of the conspiracy and up to the time of his internment; and that the accused being acquitted in respect of all his acts that the prosecution could then lay hold of, he cannot be tried again.

It would be doing violence to section 403, if the accused be charged again in respect of actions which the prosecutions were unable to prove at the former trial. It is quite true that to give the benefit of section 403 to the present accused, the identify of the offences must be made out. I am prepared to hold that the offences complained of in the former trial were in substance the same as in the present trial; and in

In addition to the literature placed before us, I have consulted the cases 24 Madras 284 noted in the margin. Most of these are 12 Bombay Law Reporter, page 226, 11Criminal besides the point. The only one of these Law Journal 337, cases which more nearly approaches 8 Weekly Reporter 181 the present case is the last; in which it 17 Bombay Law Reporter 678 is held:—

17 Bombay Law Reporter 881

8 Burmah Law times 129 28 Indian Cases 156

"Where a man has been convicted of an offence, and further facts come to light subsequently, which show a major offence, he cannot on that ground alone be put on his trial a second time".

On the whole I consider the plea urged is good; and, as already remarked by me, even if this were a doubtful case, I would give the benefit of that doubt to the accused. For the foregoing reasons, I would order his discharge.

SHEO NARAIN,
Special Commissioner

The 30th March 1916

OPINION OF THE MAJORITY

We have read our learned colleague's judgment and arguments with the greatest care; and regret we are unable to agree with him.

We do not propose to write a long order, but to put as succinctly as possible what our view of the law is.

We must first join issue with our colleague when he states that the complaint in the present case is substantially identical with the indictment as described on page 4 in our judgment in the Lahore Conspiracy Case. We agree with the description then given, but the present case, especially in regard to the accused, has a very material difference. The case then was that after conspiring a martial array left America for India in 1914, gathering recruits and on arrival in India committed various acts. The case against the present accused is that he organized a martial array in Shanghai, and left for India to wage war, before the movement from America took place; and further that on arrival in India he arranged a martial array at the Jhar Sahib.

The argument of our colleague briefly is that Gujar Singh, having been charged with the abetment of waging a war (organized by the Ghadr party) he cannot be again charged with taking part in such war or abetting it by a totally different series of acts to those formerly charged against him; and he argues that this is os because the whole of the accused's conduct was under consideration in the last case, and because, had the present facts been in evidence in the last case, he would then have been convicted. Undoubtedly the accused could have been convicted in the last case if these present facts had then been proved, provided, and this is the point we think our colleague overlooks, he had been charged with those acts.

The argument that the whole of accused's conduct was under consideration in the last case seems to us inaccurate; what were under consideration were certain specific acts definitely alleged against him in the charge-those and nothing more.

In regard to the legal question, it appears to us to be perfectly plain.

So far as it is relevant for our purposes, section 403, Criminal Procedure Code (which is the only law we are concerned with), provides that "a person who has once been tried... for an offence and... acquitted of such offence shall, while such... acquittal remains in force, not be liable to be tried again for the same offence."

The word "offence" has a very clearly defined meaning. It is not a section of the Penal Code defining the constituents of a particular offence and determining the punishment therefore, it is not any general 'conduct," but it is in the words of section 4 (o) "any act or omission made punishable by any law for the time being in force."

If now we substitute for "offence" in section 403 the equivalent

words "act punishable by law," and apply that to the facts of our present case, we find that Gujar Singh has been tried and acquitted of the acts punishable by law with which he was charged, viz., the acts of abetting the waging of war and conspiring to wage war done at Phagwara and subsequently till internment.

That being so, there is, in our opinion, clearly no bar to his being charged with other acts of commission, abetment and conspiracy, which were not charged against him on the former trial, and in regard to which he has never been in jeopardy.

A.A. IRVINE
The 30th March 1916 President, Commissioners

T. P. ELLIS
The 30th March 1916 Special Commissioner

The opinion of the majority prevailing, the accused is sentenced under section 121, Indian Penal Code, for abetment of waging war or waging war to transportation for life and we direct that his property, liable to forfeiture, be forfeited to the Crown.

["Released conditionally by Punjab Govt. on 30th April 1930 subject to being restricted to his village under police surveillance for 3 years. Now a days (1933-34) he has a confectioner's shop in front of the Khalsa College Amritsar. In a bad character and is under police suveillance. Associates with Sohan Singh of Bhakna Kalan and Santa Singh of Gandiwind" (*Ghadr Directory*, 1934, p. 87). (It is a well known fact that the *halwai* shop was run with the object of winning over the young students of the college to the cause of freedom struggle, with active involvement of Baba Sohan Singh Bhakna. Expired on 09.09.1975. — Eds.]

Harbhajan Singh

19. Harbhajan Singh, son of Fateh Singh, of Chaminda, Police Station Dehlon, District Ludhiana, aged about 15:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 592), is like accused 10 Dalip Singh, only a youth;

and was arrested along with Dalip Singh on October 15th, 1915, at Rampura Phul Station (*vide* P.W. 232).

Certain of the witnesses have referred to him as "Bakhtawar Singh;" and he was identified on Jail parades by the following approvers and witnesses:— (A.M.— as "seen going to Ferozepore with accused Randhir Singh); Bhagat Singh; Udham Singh of Hans; 27 Indar Singh of Khanna; Anokh Singh; *Mussammat* Nihal Kaur; Teja Singh of Samrala; and 349 (a student, who simply knew him at school as "Bakhtawar Singh").

Approver Sundar Singh of Ase Majre told us no more in Court than that he had seen accused going with Randhir Singh to Ferozepore; but Udham Singh of Hans, *Mussammat* Nihal Kaur and P.W. 46 (a *Zaildar* of Mohi) state that accused was one of Randhir Singh's party at Mullanpur Station the 19th February. Udham Singh of Hans further states that accused was one of those at Randhir Singh's house that day; and Bhagat Singh mentioned him as at the reed jungle assembly that night. Udham Singh of Hans, by an obvious slip, omitted his name from the reed jungle assembly before us; though he mentioned him in that connection to the Magistrate. Approver Anokh Singh mentioned him as arriving in Randhir Singh's party at Ferozepore on 19th February; and Bhagat Singh as at Phemi Ka Kai Station the next morning.

Bhagat Singh, Udham Singh of Hans and Anokh Singh knew this accused at school; but all three have, in cross-examination, denied having any private grounds for enmity (*vide* pages 204, 213 and 247). Anokh Singh has stated that Randhir Singh gave this accused the *pahul*.

P.W. 43 gives evidence as to the *Granth Sahib* recital at Ram Singh Reservist's house at Gujarwal, at which accused was present-a secret meeting being held after it; and P.W. 27, 40 and 42 testify to accused's presence at the secret seditious meeting at Dhundari, through the last of those witnesses cannot remember whether accused was one of the persons who actually helped to turn him out before the meeting was held with closed doors.

This youth appears, like accused Dalip Singh, to have been one of Randhir Singh's satellites; and in the habit of attending meetings — P.W. Indar Singh of Khanna mentions him as present at the non-seditious Dewan at Khanna, for instance.

Accused's statement will be found at page 414; and from it we see that, instead of having the pluck or sense to admit the truth of the allegations against him, he has elected to deny them; and has produced

some unconvincing defence evidence. He denies that Randhir Singh gave him the *pahul*; but admits that, before receiving it, he was known as "Bakhtawar Singh". He admits his presence at the Gujarwal and Dhandari *Akhand Paths*; but denies that there was a secret meeting at either place. He says that he was not at Randhir Singh's house on the 19th February; and never went to Ferozepore, being very ill at the time in his village. He admits his arrest along with the co-accused Dalip Singh-on the way to a conference. He alleges enmity with approver Anokh Singh over the theft of the clothes of Kashmira Singh, student; with Bhagat Singh, approver, whose father owed his father money; and he makes out that he (a youth of 15 years, as he alleges) was one of the persons who "punished approver Udham Singh of Hans for misbehaviour" along with one Mangal Singh.

The defence witnesses are D.W.'s 64 to 69 inclusive; 606, 607; 718 and 939. The first four of these make a clumsy attempt to prove accused's loyalty, and that he had an attack of fever (there is a hint of plague) during February. D.W. 69 is not prepared to support of Bhagat Singh, approver; but unfortunately he talks about owing accused (not accused's father) money. D.W.'s 606 and 607 are equally useless. D.W. 718 is an uncle of accused; testifies to accused's loyalty and to his illness during the third week of February; to the time when he took the *pahul*; and winds up by saying (as a further proof of accused's loyalty) that accused got his collateral Narain Singh enlisted in the cavalry four years ago-that is, at a time when accused, on his own showing, must have been 11 or 12 years age! D.W. 939 (produced last of all) is the student Kashmira Singh, who makes an utterly futile attempt to support the story of the stolen clothes. He says he reported to the Headmaster (not produced); and that the clothes were (apparently) returned to his possession through a skylight.

It stands to reason that nonsense of this description cannot upset the prosecution evidence in any way; and the few remarks offered by accused's Counsel in argument quite failed to convince us. The accused, who was obviously one of Randhir Singh's satellites, would have been well-advised simply to plead youth and inexperience.

The case is on a par with that of Dalip Singh (10), and for the same reasons we find him guilty under section 121, Indian Penal Code, of waging war, **and sentence him to transportation for life, with a very strong recommendation to mercy on the ground of youth and inexperience. — 3 years**

We further direct that his property liable to forfeiture be forfeited to the Crown, and recommend the remission of this penalty.

[Harbhajan Singh (05.07.1895 - 03 December 1982). Upon his release in 1918, he set-up a printing press and devoted himself to the propagation of the sacrifices of national martyrs of freedom struggle since the beginning of British rule till 1947 from all over India in prose and verse in a compilation 'Lahu Bhinyan Yadan' (Blood Drenched Recollections) in Punjabi. His autobiography, along with this compilation has been edited and published by Prof. Waraich. — Eds.]

20. Hardit Singh, son of Dalel Singh, of Dalewal, Police Station Phillaur, Jullundur.

[Absconding. Subsequently arrested, convicted hanged. — Eds.]

21. Hari Singh, son of Hakim Singh of Baring, Police Station Sadr Jullundur, District Jullundur, aged 37 (closely related t0 16):—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 593), tells us that he originally returned to India by the s.s Canada Maru from Victoria (British Columbia), and embarked on the 8th June 1914. He is alleged to bear the aliases "Udham Singh" and "Kesar Singh"; and was eventually found interned in Moulmein Jail in Burma under the latter of these aliases. He was arrested and interned in Burma during April 1915.

He was identified in Court by approver Bhagat Singh (who could not name him; but only said that "he thought he had seen him somewhere"); and by approver Nawab Khan as "perhaps Udham Singh of Baring." Approver Mula Singh failed to identify him in Court.

P.W. 298 (Hira Singh of Nangal Kalan), who was an approver in the murder case of Chanda Singh, disposed of by this Court, states that approver Nawab Khan visited his brother (the absconding accused Jawand Singh) a year ago in company with accused and Kartar Singh (L.C.C.) and accused 17 Gandha Singh. He knew accused in Canada. Cross-examined, he admitted that he and his brother had been in trouble about

some money belonging to the Gurdwara at Victoria, of which he was *Granthi* and his brother was Treasurer. He had to make good the loss. Accused at the time was a member of the Gurdwara Committee; and had previously been Secretary.

Approver Mula Singh, who did not identify accused in Court, stated that, about a year before, Indar Singh and Jagat Singh of the Lahore Conspiracy Case came to village Jhapal (where this approver had an intimacy with the wife of Mahi, Havildar, mentioned in the L.C.C.) with one "Udham Singh of Baring," a returned emigrant from Canada; and the witness then gave Indar Singh a hack-saw for Lal Singh (L.C.C.). He further gave us to understand that accused had supplied him with a pistol out of repair; and connected him with the seduction of troops and an unsuccessful dacoity near Kartarpur (*vide* page 337 and 378).

In cross-examination he stated that Indar Singh had told him accused's village; but had said nothing about accused's not being allowed admission to some mill; and that he had seen him some four times (Page 341). This evidence can hardly be considered very definite.

Approver Amar Singh, I, states that he, Pirthi Singh and Ram Rakha (both accused in the L.C.C.) went with one Basant Singh to meet accused ("one of our party"); but, falling to find him, put up with accused's brother (Page 347).

Approver Nawab Khan, who identified him in Court as "perhaps Udham Singh of Baring", states that he and accused 17 Gandha Singh went to meet accused about December 2nd, 1914; but found him absent. On December 4th, the witness and Kartar Singh of Soraba (L.C.C.) met accused at Samrali, who told them of a meeting fixed for that night at Nangal Kalan. So, they go there, and accused fetches Jaswant Singh, absconder. On December 5th, the witness, accused and accused Gandha Singh go to collect men to attack the Bain Sufed Bridge Guard; return next day to Nangal Kalan; and arrange to assemble again on the 10th for this attack. The witness, accused, accused Gandha Singh, Jaswant Singh, absconder, and Basant Singh then decide to try a dacoity at Pharala; and accused goes to guide Kartar Singh (L.C.C.) to the place; but the dacoity is abandoned on its being found that the owner of the house is a Muhammadan. In cross-examination the witness states that he was taken, in July 1915, to Burma by a Sub-Inspector, and at once identified accused in Moulmein Jail; where he was the first person to tell the authorities accused's correct name and village. He states that he knew accused by

both names, "Hari Singh" and "Udham Singh;" but cannot say whether he belongs to the *Tat Khalsa*. He never saw him at any Phagwara meeting; but he only attended one there himself. He asserts that accused joined in 2 abortive dacoities; and that he always considered one Hira Singh of Mangal Kalan to be accused's friend; not his enemy.

This accused's statement commences at page 415. He admits that, before taking the *pahul*, he was called "Udham Singh;" and admits that in Burma he passed under the fictitious name of "Kesar Singh;" and his explanation of his going to Burma is, that he assisted his brother's brother-in-law in a case about a woman, which annoyed the villagers of Herian (especially one Hazara Singh) where his brother is married. He was mentioned by one Ranga as connected with a dacoity which occurred near Herian, and so fled to Burma; his brother being arrested in connection with the dacoity, but subsequently released, while two others convicted for it were acquitted by the Chief Court. In addition he says that there are two other Hari Singhs in his own village. As regards his own return to India, he states that he sent his brother home from Siam; and returned(being ill) himself to see his brother, getting a permit from the emigration authorities at Victoria allowing him to return after a year in India. He says that he owns ten thousand rupees worth of property in Victoria, which he left in charge of another person. He admits having known P.W. 298 in Canada as *Granthi* of the Victoria Gurdwara; and denies having ever visited his brother Jawand Singh (or Jaswant Singh), absconder, saying that he had enmity with Hira Singh over a misappropriation of *gurdwara* money. He never even saw approver Mula Singh; denies all allegations against him; and, as regards his identification by approver Nawab Khan, says that the approver stood opposite his cell in Moulmein Jail and asked the name of his village, which he told him. He adds that the Police knew his name, and that he was photographed in that Jail.

Exhibit D. 25 is a letter from the Immigration authorities giving him permission to be absent for a year; the name of the ship being entered on it- Canada Maru, 9th June 1914.

In addition, accused has produced defence witnesses 327 to 340 inclusive; all of whom, except three, are of accused's village Baring. According to their evidence, the accused has no seditious tendencies (though he had an opportunity of tampering with troops close to his village); and never left his village for four months after his return.

According to them, he fled when his brother (said by accused to be now dead) was implicated and he himself was suspected in a dacoity case; and his house was searched after his disappearance. D.W. 337 is Uttam Singh (now in Jail for failure to furnish security as a bad character), who corroborates re the dacoity, and says that he was one of the persons eventually acquitted. He further says that accused was implicated in the dacoity for helping him in an abduction case.

Now, though we have not seen the records of that dacoity case, there was no cross-examination of this last witness; and the prosecutions have made no attempt whatever to show that the dacoity story re this accused is untrue. There is certainly reason to suspect the evidence of P.W. 298; who may also be hoping to benefit his brother, Jawand Singh, absconder. Approver Amar Singh, I, of course, never saw this accused at all; and approver Mula Singh, though he purported to have seen accused some four times, has not been able to identify him.

An accused's Counsel has pointed out in arguments, there is certainly a discrepancy between the statements of Nawab Khan (*vide* middle of page 366) and P.W. 298 re the visit to Jawand Singh, absconder; and his Counsel has put in a number of old cheques to show that his client had a banking account in Victoria. His Counsel has also pointed out that the exploits in which accused is alleged to have engaged are all said to have fallen through; and he certainly appears to be correct in saying that, whereas in this case Nawab Khan states that it was this accused who told him of the meeting at Nangal Kalan, in the last case (page 137 of the L.C.C) he stated that it was Nidhan Singh who told him of it. We notice that in that case, too, Nawab Khan mentioned Hazara Singh of Herian, whom accused has named as his enemy.

Counsel for the Crown has argued that Nawab Khan named accused at a time when he had not even been found; and, of course, the fact remains that Nawab Khan was able to identify accused in Moulmein Jail-and, apparently, was simply taken there in July 1915 for the purpose of seeing whether, he could recognize any persons interned there. We have, of course, accused's own version of that identification.

It will readily be seen that this case really depends on Nawab Khan's evidence; and, though we have no doubts about his truthfulness as regards all the main facts of his story, we are not prepared to say that as a witness he must be held immaculate.

In short, there is a doubt in out minds as to the guilt of this accused,

whose case has been well and carefully argued by his Counsel.

We accordingly acquit him of all the charges framed against him.

22. Hari Singh, son of Amar Singh, of Kakar, Police Station Lopoke, District Amritsar, aged 85:—

[Jail escapee, who was re-arrested much later at Banaras along with Natha Singh. — Eds.]

This accused, who pleaded "Not guilty" to the charges framed against him (page 595), returned from Shanghai by the s.s Mashima Maru, reaching Colombo on 25th October 1914

He was interned on the 2nd December 1914. He is mentioned in the confession of one co-accused.

On Jail parade of 24th October 1915, Amar Singh, II, approver, pointed him out calling him "Roda Singh". In Court he was identified by several witnesses, who, however, were men of his own village. Approver Sundar Singh (W. G.) did not identify him either on Jail parade, or in Court. Approver Balwant Singh identified him in Court.

Approver Sundar Singh (W.G.) stated that accused was one of the revolutionists at Nankana fair; and at Tarn Taran *Massia* asking the date of the rising.

Approver Balwant Singh states that in Shanghai the accused took him to the house of one Mula Singh, Police Havildar; and there told Nidhan Singh (L.C.C.) that the witness was ready to go to India for a rising. The Mashima Maru was of course, Nidhan Singh's ship; and, according to the witness, accused was Nidhan Singh's right-hand man (who persuaded witness to join, the *Ghadr*); and on board collected funds for the purchase of arms, and delivered seditious harangues; and it was agreed to hold meetings at big fairs like Tarn Taran *Massia*, etc. In cross-examination, the witness stated (page 144) that he forgot to mention accused to the Magistrate as a lecturer; that he did not see him after Madras; and did not know whether accused sued Nidhan Singh in a Consular Court for 100 dollars. He denied that on board he had concealed his money and begged for charity from his fellow-passengers; and that accused had discovered this and put him to shame.

P.W. 148 (a Sub-Inspector formerly of Lopoke) states that Lambardars Sadhu Singh and Kishan Singh of accused's village reported on November 11th, 1914 regarding certain seditious harangues by this

accused and accused 16 Gandha Singh (*vide* Exh. P.97A.B).Our remarks in the case of accused 16 Gandha Singh should be seen. These two accused could not be found; but were arrested on November 24th, 1914. Section 109 proceedings against them were cancelled, and they were interned.

On May 31st, 1915, a pistol (Exh. P. 98) was found in a *chhappar* just in rear of a house which had been occupied by these accused, which was made over to the Police by Risaldar Sant Singh, who died some 3 days before this witness gave his evidence. In cross-examination the witness stated that both these accused are related by marriage; that he only searched for them in Amritsar, not in Lyallpur; that he heard of no enmity against them; nor learnt that this accused had com to purchase land in the village, of which land Sub-Registrar Sadhu Singh (who affected accused's arrest) was a reversioner. The witness recorded the statement of the witness Fauja Singh after the 24th November 1914.

P.W. 149, Fauja Singh of Kakar, states that some 13 months ago, accused (who is accused 16's relation by marriage) talked sedition at the shop of Jaganath; and said that Sikhs should be ready at the *Massia*. Teja Singh, Bagga Singh, Kala Singh, Dalip Singh and others were present. The witness told the 2 *lambardars* who made the report. He denies having suspected accused of abducting a *Mussammat* Lachhmi; or that he wished himself to marry her. He admits that all the Kakar villagers were annoyed at accused's buying land in that village; but says that his own share was only about 1 *marla* (the land being *shamilat*).

P.W. 150 (Teja Singh) corroborates; and says that accused was the chief lecturer of the pair. Witness made a statement to the Police after accused's arrest. He denies knowledge of any case between his and accused's father in Atari; or of any ancient arson case. He was with the Police when they came to arrest accused. He says he does not know whether accused bought land in the village.

P.W. 188 does not admit that accused talked sedition; on the contrary he says that accused at the Nankana fair told him he was going to the *Bar*, where he had land; but he eventually accompanied the witness.

P.Ws. 207, 208 and 209 concern the recovery of the pistol (Exh. P. 98) which was found, by chance, by Lal Singh, P.W. 209, at the back of his, accused's and other peoples' houses in a *chhappar*. It is said that no other returned emigrants have houses near accuseds, but there is really scarcely anything to connect this pistol (which was not found till May 31st, 1915) with this accused; and we shall exclude this point from

further consideration.

The confession of co-accused Kesar Singh (45) implicates this accused; and goes to corroborate the statement of approver Balwant Singh. We learn from it that accused in Shanghai was the servant of a Mr. Pope (presumably, the Railway Mr. Pope mentioned by accused Karm Chand Kohli); and used to associate with accused Gujar Singh in reading out the *Ghadr* and seducing people to the *Ghadr* cause. We hear the story, told by other witnesses also; of one Buta Singh's being beaten at their instances for trying to stop these practices. We find accused mentioned in connection with the revolutionist Sohan Singh of Bhakna (L.C.C.) and Nidhan Singh (L.C.C.); and as traveling on Nidhan Singh's ship. The account of the journey to Colombo is contained in one line of print-so there is no mention of accused acting as Nidhan Singh's right-hand man on board. The confession shows that the co-accused's and Sohan Singh and others traveled to Amritsar together, stayed there two days and then went to their homes-and there the confession (which, though retracted, certainly appears genuine) leaves this accused.

Accused's oral statement in this Court commences at page 417. He admits that accused 16 Ganda Singh is son-in-law of his uncle, Narain Singh; and states that he returned to India in connection with the projected marriage of a brother, and to purchase land. He denies that he has ever been known as "Roda Singh"; denies the allegations against him; denies even having known Balwant Singh at Shanghai; and asserts that he had enmity with Nidhan Singh (L.C.C.). He says that he was not at the *Massia* fair; but visited Nankana, and from there, at the suggestion of one Basant Singh and his brother, went to his village Kakar for business. Questioned as to whether he had been in the Railway Department, his answer was — "I came on leave" — and he alleges that all his co-villagers bear enmity on account of his purchase of land. He assert that the witnesses Teja Singh, Fquja Singh, Kishen Singh and Sadhu Singh are his enemies; and alleges that Balwant Singh, approver, is his enemy because, on the voyage, he put him to shame for pretending to be penniless. He asserts that he has relations serving at the Front; and, as a proof that nothing objectionable could have taken place on the Mashima Maru, says that one Captain Bruce of the police traveled by it. (We have elsewhere given abundant reasons for our conclusions as to the state of things on that ship).

In his supplementary statement (Page 419) he adds he remained

throughout in Shanghai as a railway-watchman; and reiterates his former assertions.

His defence witness are D.W.1 (*vide* PP. 165, 166 of this record-Nidhan Singh, convict in the Lahore Conspiracy Case, whom we allowed to be examined before he went to the Andamans)-and D.Ws 35 to 46 inclusive, 54 to 63 inclusive, 500 and 695.

Nidhan Singh supports the story about a monetary dispute with accused Shanghai; and also says that he does not remember Balwant Singh there. He admits that accused travelled with him on the Mashima Maru; but tries to make out that nothing objectionable happened on board (which is nonsense). He supports the story about Balwant Singh's making himself out to be penniless. He says that accused, on arrival in India, did not accompany him to the *Hazur Sahib* (which is what Kesar Singh has also said in his confession). In cross-examination this witness gave himself away by saying that he had paid for the passages of Balwant Singh, Jawala Singh and others out of the money given him by the Shanghai Gurdwara-but not for accused's passage; and he said that accused was "neither his friend nor his foe".

The next two witnesses were produced to give accused a good character at Shanghai; to say he returned on leave and that he had a civil suit (so the witness learnt from a newspaper) with Nidhan Singh. D.Ws. 37 to 46 inclusive are mostly inhabitants of accused's own village; and two are his relations. They give unconvincing evidence as to accused's character; enmity due to purchase of land in Kakar; re accused's coming to the village to fetch his aunt; and regarding alleged arson and abduction quarrels with prosecution witnesses. D.W. 42, however, a relation of accused is obliged to admit that one *Mussammat* Lachhmi has lived in the house of accused's uncle, Ishar Singh, for 20 years; and he cannot even say whether she is related to P.W. Fauja Singh-which detracts from the abduction story. D.W. 45, who was in the same service as accused at Shanghai, repeats the story of a civil suit with Nidhan Singh some 4 years ago.

D.Ws. 54 to 68 inclusive are equally unconvincing. They include an Honorary Magistrate; accused's brother (D.W.61); and Jaganath, who very naturally denies that any sedition was talked at his shop. Their evidence relates to character; to relations serving at the Front; to the return for a brother's marriage; the purchase of land and enmity of Prosecution witnesses; and the brother has had to admit that the alleged

abduction of P.W. Teja Singh's aunt took place 18 or 19 years ago. Several of these witnesses are obviously biased.

D.W. 500 is the Narain Singh aforementioned, uncle of accused; and he speaks about enmity with the villagers about purchase of land; but says that it was P.W. Fauja Singh's grandfather who had cases against him and accused father. D.W. 695 is a *tarkhan*, Kala Singh of Kakar, who denies having heard any seditious talk. According to some of the Defence witnesses, Kishen Singh, *lambardar*, had the biggest reversionary interest in the land purchased in Kakar. He is P.W. 208; and, in cross-examination, he stated that the land was in *shamilat*; that the vendor was childless; and that he himself had no reversionary interest.

The only documentary Exhibit put in by the defence is Exh. D. 35; which we consider valueless. It is a copy of an entry in a Criminal Register re a miscellaneous application under section 107, Criminal Procedure Code, dated 17th December 1886, by the witness Teja Singh's grandfather against D.W. Narain Singh. We know nothing of what was the result of the petition.

In our opinion, there is not the element of doubt in this case which existed in the case of accused 16. This accused was back in his own village; whilst accused 16 was a visitor (*vide* our remarks in his case) and the prosecution witnesses appeared to favour accused 16.

The Government Advocate has urged that co-accused Kesar Singh's confession supports Balwant Singh, approver; that this accused seduced Balwant Singh to the *Ghadr* cause; and that the contents of the report Exhibit 97 A B show intrinsically that it could not have been invented by a *lambardar*, Sub-Inspector, or ordinary villager at the time when it was made-for want of knowledge. (*Vide* the translation Exh. 97 B).

The report was made on the 11th November 1914, and, besides, mentioning that Narain Singh is the father of a *Komagata Maru* passenger, and a connection of accused 16; and mentioning that accused 16 and 22 have been talking about how the *Komagata Maru* passengers thrashed the European Police in Bengal and used pistols, it continues as follow:—

"They (that is accused) added:—

"Many of us are absconding, and the Government is trying to arrest them. We are not, however, likely to be arrested. We have been directed by the German people to cause a disturbance in our country, as, they said the Government (British) was too weak and had very few military men. We have vowed to collect on a certain occasion. The best occasion for

the purpose is the *Amavas* fair to be held at Tarn Taran. If some men join us in our cause we hope we will be able to establish our own rule. Come, help us and we will do many things. The best occasion for us to achieve our object is the *Amavas* fair to be held at Tarn Taran. There we will from time to time persuade people and win them to our side. If on that occasion we do not gain our end, we will have recourse to jails (especially to the Lahore Jail). We will get help from jails and break them with the co-operation of prisoners. In jails our men are busy preaching our mission, and we are confident of securing a band of one thousand men there from. If we succeed in securing the men we will let (the world) know what we can do.

"Our next step is to induce people to go to Germany and fight on behalf of the German Government. Our men promised with the German officers that they would, on going back to their country, speed unrest."

The report goes on to mention P.W. Fauja Singh, and the defence witnesses Dipu and Kala Singh; who it says have not imbibed the revolutionary ideas. It winds up with a note by the Sub-Inspector to the effect that no order had been received at the *thana* about Hari Singh (returned emigrant); but that he was trying to arrest both him and accused 16.

The Defence Counsel has done his best for his client; though we certainly cannot agree with him in relying on P.W. 184 as to the state of things on the Mashima Maru. He urges that approver Jwala Singh stated that the Hari Singh he knew was not the one in the dock; but that approver has not said anything against accused-and, as Crown Counsel has urged, no information was got from Jwala Singh before December, whereas the report was made on November 11th. Balwant Singh's observation in cross-examination that he did "not know accused in Shanghai" of course only meant that he was not a regular acquaintance. It is asked why accused is not shown to have associated with Nidhan Singh in India? It would have been easy enough to have concocted false evidence to that effect — and we are certainly not impressed with the evidence as to Nidhan Singh's enmity; nor with any of the defence evidence which, according to Defence Counsel, is "overwhelming oral evidence of enmity." We have no documentary evidence, of course, to show that accused returned to India on four months' leave. Counsel has urged that he did not join the Jhar Sahib group, through he was not arrested till November 30th, 1914, and he has urged that the *Komagata Maru* and other incidents were common

topics of conversation in the *Manjha* villages and that enemy could twist such conversations against returned emigrants.

But, even if we were prepared to believe that enemies had wished to entrap this accused, we do not believe that they could have invented the contents of Exhibit P. 97 A at the time when it was made.

In short the case against this accused is, in our opinion, a strong one.

On the evidence we are satisfied that accused returned to India on the Mashima Maru for the purposes of waging war, that he was present at the Tarn Taran and Nankana fairs seeking orders and delivered seditious harangues in his village, and was only prevented from taking a more energetic part by his early arrest and internment.

We find the accused guilty of abetting the waging of war, and sentence him to transportation for life, and direct that all his property, liable to forfeiture, to forfeited be the Crown.

23. Harnam Singh, son of Narain Singh, of Gujarwal, Police Station Dehlon, District Ludhiana, aged 30 (Ex. Soldier — Returned Emigrant, Expired: 1959):—

Harnam Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 597), was one of the **passengers of the *Komagata Maru***, who arrived at Calcutta on the 26th September 1914. He was arrested on 25th June 1915.

He was identified on Jail parade by approver Sundar Singh (A.M. — who did not name him, but only said he had seen him at Gujarwal), Udham Singh of Hans, Bhagat Singh and P.W. 43. In Court, by Sundar Singh (A.M.), Udham Singh of Hans and Bhagat Singh.

Approver Sundar Singh (A.M) states that accused was one of 100 persons present at the house of Ram Singh, Reservist, at Gujarwal, when there was a *Granth Sahib* recital, in which accused Randhir Singh took part. Accused was also present after the secret meeting there, when accused Uttam Singh said that there was a Nihang Sikh near Gujarwal, who could supply weapons for a hundred men; and went

with Uttam Singh and accused Jagat Singh to interview the Nihang. On the 19th February 1915 accused joined the train at Mullanpur with Randhir Singh and others. The witness, in the course of his statement to us, said that accused was a *Komagata Maru* man of Gujarwal, whose name he had forgotten before. Nothing was elicited in cross-examination.

Approver Bhagat Singh has said that this accused's name occurs in his diary Exh. P. 15 (*vide* pages 175 and 185) — the entry occurs at page 66 of the diary, in connection with the 19th February 1915. This approver states that, hearing of accused's return on the *Komagata Maru*, he went to his house; but accused did not at first trust him. After several visits, however, accused became satisfied that the witness was against Government; and gave him a Gurmukhi "*Ghadr di Gunj*" (Exh. P. 45), and taught him to recite stanzas.

On February 18th, the witness goes to tell accused about the arrest of P.W. Ichhar Singh; and accused tells him that a raid on Ferozepore has been fixed for next day. The witness finds accused at Mullanpur Station on the evening of the 19th; and travels with him in the same compartment to Ferozepore. Accused is present at the reed jungle assembly; and, on the way back after the failure of the enterprise, accused Randhir Singh makes this accused and accused Mastan Singh go on ahead from Mullanpur because, as returned emigrants, they might excite suspicion. On the 21st, accused and the witness leave for Doraha; and accused tells of the plan to raid the bridge guard there. Near Gurthali bridge (11/2 miles from Doraha) they find Nand Singh (L.C.C.) and accused 17 Gandha Singh with 6 *garwa* bombs. However, the attack is abandoned; and the gang breaks up, Gurmukh Singh (L.C.C.) making over to accused 4 wire-cutters and 3 files. About February 22nd-23rd, at the request of accused Gandha Singh, the witness and accused go to a water-course near Lil bungalow, with a view to a dacoity-which does not come off, and accused returns home, making over to witness the wire-cutters and files. On March 11th, accused Mastan Singh sends witness to accused Jagat Singh's house to enquire from this accused. re the arrest of Nand Singh (L.C.C.); but accused refers him to approver Nawab Khan. Witness spends the night of the 12th at accused's house. On the 13th, accused Mastan Singh tells the witness to inform accused of a meeting near Mour Railway Station; and witness does so. On the 19th at Killi fair, the witness recites the *Ghadr* verses taught him by

accused. Cross-examined (PP. 204, 205) the witness said that he had only known accused since his return from abroad; and does not know whether accused knows Gurmukhi. Further, that as he wished to save accused, he at first said nothing about him, and on Jail parade said he was not present-but accused himself spoke up and said he was.

Approver Udham Singh of Hans corroborates on the point that accused was at Mullanpur Station and the reed jungle assembly on the night of 19th February.

Approver Anokh Singh, who failed to identify accused in Court, but who described him to the Magistrate, says that on the 17th or 18th February he was sent by Kartar Singh (L.C.C.) to inform accused Sawan Singh of the date for a rising, and that he found accused with Sarwan Singh. Accused arrives at Ferozepore on the 19th with Randhir Singh's party, and on the night of February 21st, the witness and Jawand Singh absconder meet accused and approver Bhagat Singh near Doraha Bridge (this is date given by Bhagat Singh). Nothing was elicited in cross-examination (Page 247).

P.W. 43 has a house in Gujarwal, which adjoins that of accused Jagat Singh. He states that accused attended the *Akhand Path* there on the occasion of the completion of a house. The witness was turned out after the *Bhog* ceremony, when a secret meeting followed; and he reported anonymously to the Police, and also told P.W. Channan Singh of Saraba-mentioning, accused's name to both. The witness denies any knowledge that accused's father gave evidence against his uncle, Gulzar Singh. P.W. 45 (page 219) is Channan Singh of Saraba, to whom the previous witness entered in his pocket-book Exh. P.65.The witness himself reported to the Police; and says that he had assisted them with information against approver Nawab Khan and Kartar Singh of Saraba (L.C.C.). Cross-examined, the witness states that P.W. 43 told him that the seditious talk had taken place 10 days before; and admits that no other entries follow his note (which is dated *Chet*) in his note-book, which was made over to the Police 2 or 3 months before his statement before this Court.

On page 220 P.W. 47 (Sub-Inspector Hyder Ali) cross-examined admitted that he had called in accused to Dehlon in connection with the Lahore Conspiracy Case.

P.W. 346 Mr. Slattery of the Criminal Investigation Departments says that accused's name appeared in a list issued by the American

"*Ghadr*" organization as a *Komagata Maru* passenger. He was arrested soon after the Budge Budge affair at Manbhum in Bengal. Cross-examined, the witness says he cannot say where accused got on board the *Komagata Maru*; but says that the aforesaid "*Ghadr*" list came into his possession in July 1914, while that ship was still in Vancouver harbour-the name of accused's village is given, not his father's name. The witness cannot say who boarded that ship on her way back. Accused, after his arrest was confined in the Presidency Jail, Alipur

Accused's statement will be found at page 420. He states that he boarded the *Komagata Maru* at Hong-Kong, and went to Vancouver, where he did not land. He denies the allegations against him; and says he does not know accused Uttam Singh. He asserts that he is quite illiterate; and, asked how his name came to be in approver Bhagat Singh's diary, says that approver saw him at a flour mill. He has never even seen approver Mula Singh. He was admittedly arrested at Manbhum, Bengal, after the Budge Budge affray; and was afterwards restricted to his village (the Restriction Order is Exh. D. 7, dated 9th December 1914-*Vide* the top of page 422). He alleges no enmity against prosecution witnesses, but winds up by saying that approver Bhagat Singh was able to identify him because of having been with him in Ludhiana *Thana*. He urges grievances in respect of losses in connection with the *Komagata Maru* and as a result of the Restriction Order.

Exh. D. 26 are a certificate to him as watchman of a firm in Hong-Kong, and his Certificate of Discharge from a unit in 1912 with a "Very Good" character. We have also been shown accused's Frontier Medal of 1908.

His Defence witnesses are D.Ws. 148, 366 to 373 inclusive, 398, 719 to 721 inclusive, 867 and 1011. The first, a *lambardar* of accused's village, can only say that accused had not left his village. The next batch of witnesses speak as to character and as to accused's remaining in his village; repeat the old story (discussed elsewhere) to show that Ram Singh's *Akhand Path* at Gujarwal was really on January 20th, 1915; and make out that on the 17th February accused's wall fell down. The witness who remembers this latter date has a son betrothed to a relation of accused.

D.Ws. 719, etc, men of the 29th Battery, give accused a. good regimental character; and were scarcely necessary, in view of his Discharge Certificate. D.W. 867 (of Gujarwal) is the father of accused

59; and tries to show that there were malpractices in regard to approver Bhagat Singh and identifications. D.W. 1011 gives accused a good character at Shanghai, where the witnesses was himself a watchman.

Counsel for the Defence has urged that accused being illiterate, could not have taught Bhagat Singh verses; but accused, presumably, has a memory. He also argues that, as accused must have been searched, he could not have possessed a copy of the *Ghadr di Gunj*, and he asks whether accused would take a youth like Bhagat Singh into his confidence. But Bhagat Singh (against whom no enmity has been alleged, or proved) has himself told us that accused would not at first trust him. We can see no reason why accused should not have learnt of the date the 19th February when we know that news of it was sent about. As regards the point that Anokh Singh did not identify accused, he described him to the Magistrate, in our opinion, rather well. We are not prepared to accept Counsel's reasoning as to why accused could not have known about the proposed attack on Doraha Bridge, when we know that the plan originated at the reed jungle at Ferozepore after collapse of the enterprise there. As pointed out in arguments by the Crown Counsel, Udham Singh, approver, does not mention accused in connection with Doraha for the good reason that he and Bhagat Singh (with whom accused was on that enterprise) never met (*vide* page 197, line 55). Defence Counsel urged that Anokh Singh's statement to a Magistrates was recorded one day after Bhagat Singh's and that a gap was filled in; but he omitted to notice that they were recorded by different Magistrates in different towns. Much of the Counsel's argument in this case (with reference also to other accused) concerned the exact date of the visit of Anokh Singh and Kartar Singh (L.C.C.) to Dhandari; but that point has been discussed and decided elsewhere, and we need not again discuss it here. We certainly agree with the Defence Counsel (and Crown Counsel agrees) that no adverse inference can be drawn against this accused on the ground that he was a *Komagata Maru* passenger, or from the fact that his name appeared in a *Ghadr* Press list of those passengers.

Counsel for the Crown relies strongly on the production of Exh. P. 45 copy of the *Ghadr di Gunj*; the production by Bhagat Singh of Exh. P. 46 (wire -cutters, etc); and the fact that no reason for Bhagat Singh's enmity is shown

Perhaps the most charitable view to take of this accused's actions

is that he, a soldier with a good record, was one of the dupes of Gurdit Singh of *Komagata Maru* fame; and was afterwards largely actuated in his conduct by fancied grievances against Government and Europeans generally, and we take this into consideration so far as not to pass a capital sentence upon him.

We are satisfied that the accused was present at the Gujarwal meeting, was present in the array of men which proceeded to Ferozepore to attack the Arsenal there and at the Doraha attempts; also that he proposed or discussed committing dacoities and distributed seditious literature; **and we find him guilty under section 121, Indian Penal Code, and sentence him to transportation for life; there being no necessity to record findings and sentences on the other counts.**

We further direct that all his property, liable to forfeiture, be forfeited to the Crown.

24. Harnam Singh, alias Thakar Singh, son of Bhup Singh, of Rasulpur, Police Station Tarn Taran, District Amritsar, aged 27 (Returned Emigrant):—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 599), arrived at Hong-Kong from Shanghai on the 29th-30th July 1914, and left for Calcutta by a Jardine boat on 10th September 1914; but got off at Singapore, and eventually arrived at Calcutta by the Nam Sang on October 13th, 1914.

He was first arrested on 4th December 1914.

Accused was arrested on the 3rd of October 1915 in connection with the present case, or rather, was sent up from Delhi, where he was a prisoner serving a sentence of 7 years under the Arms Act. He made a statement on 3rd October 1915, which does not amount to a confession. We shall have later to consider in connection with him a confession by the co-accused 93 Thakar Singh of Thatian.

He was identified on Jail parade by approver Sundar Singh (W.G.) as "Thakar Singh"; and in Court by the same approver, after thought. Approver Kala Singh explained in Court that he failed to identify accused "because he was not well dressed".

Approver Sundar Singh (W.G.) states that accused was a sepoy in the Municipal Police at Shanghai; and that he arrived in Hong-Kong at the end of July 1914 with accused Sundar Singh of Dolu Nangal's "party" (which included Harnam Singh of Sialkot-Lahore Conspiracy

Case-and Channan Singh, since hanged). Accused told the witness that they had brought pistols in a box with a false bottom. He sailed along with the witness that they had brought pistols in a box with a false bottom. He sailed alongwith the witness on September 10th, 1914; and on board made a copy of the *Ghadr di Gunj* (identified as the Exh. P. 17). At Singapore accused Sundar Singh co-accused gives accused a sovereign, and he is left behind there to preach and collect men. On October 13th the witness sees him with accused Gujar Singh's party at Howrah Station; he reaches Amritsar with the witness on the 16th or 17th; goes to Nanak Singh's *chaubara*; and belongs to Gujar Singh's Dewali party in Amritsar. A few days later, the witness meets accused at Amritsar, and goes with him to Khasa Station in company with Harnam Singh of Sialkot (Lahore Conspiracy Case) and accused Bishen Singh; and after an interview with Gujar Singh, he leaves with the witness for Nankana fair. After the fair accused leaves for Lyallpur to preach *Ghadr* in the *Bar* tract; and later comes to the witness's well saying that many men in the *Bar* will join; and leaves for Tarn Taran *Masya*, with accused Thakar Singh of Thatian, intending to preach sedition on the way there. He is at Tarn Taran enquiring about the date for a rising; and attends the first meeting at the Jhar Sahib. He is also present at the Jhar Sahib assemblies of November 23rd and 26th; the Khairon mound assembly; and the attempt on Sarhali *Thana*. His name, according to this witness (who was not cross-examined on accused's behalf) is entered in the Khairon note book Exh. P. I. We fail to see why this approver should have concocted this story.

P.W. 145 (*Lambardar* of a accused's village) says that accused returned from abroad a few days before the Dewali; after which he was as often out of his village as in it. This witness was a defence witness in the Arms Act Case.

P.W. 170 (Sub-Inspector of Amritsar) gives evidence as to the finding of the Chinese sword-stick, Exh. P101A, and the copy of the *Ghadr di Gunj* Exh. P.17. According to the printed record, and some of our notes, this witness first stated that those articles were found at a search of this accused's house on December 4th, 1914; but when recalled (page 549) the witness stated that they were found on the person of accused when he was arrested at Tarn Taran Railway Station. The *fard baramdagi* (Exh. P.100 B), was made out next day.

P.W. 187 (a Sub-Inspector) is the translator (into English) of

Exh. P.17.

The co-accused Thakar Singh of Thatian mentions this accused in his retracted confession as at the Jhar Sahib, and as telling him of the proposed assembly at Khairon mound.

Accused's own statement to a Magistrate, which does not amount to a confession, will be found at page 443. He does not mention in it Thakar Singh of Thatian; but mentions, amongst others, approver Sundar Singh (W.G.) as at the Jhar Sahib; where, he says, he and others drank *bhang*, and he heard talk against Government and of "taking the trenches by assault that night'. He says that he at once went home, after only half an hour there. This statement is exculpatory; but, at the end of it comes the important admission — "I left the ship on its arrival at Singapore; and went away to see my brother." We know what Sundar Singh, approver, mentioned about this incident.

Accused's statement before this Court will be found at page 422; and his supplementary written statement at page 560. He repeats the story of getting off at Singapore to visit a brother; and says he returned to India to take his wife to Shanghai. He says he made his statement to a Magistrate on being given a promise that he would be released if he made it. While denying allegations against him, he admits having on boardship copied 2 stanzas of the *Ghadr di Gunj* at the dictation of Sundar Singh (W.G.) for that approver's own use. (That approver, as we know, was not cross-examined for accused). He denies going to Nanak Singh's *chaubara*; and says he left for his village after bathing at Amritsar, and remained there. He never met Sundar Singh after Singapore; and does not know accused Gujar Singh. He has never seen the Jhar Sahib. The sword-stick was not his nor was found with him, but the copy of the *Ghadr di Gunj* (he says) "happened to be put into his knapsack by Sundar Singh (W.G.), and remained there." He says that he served Government for 7 years; that the Police arrested him , suspecting him to be a deserter, and that he is serving a sentence of 7 years' imprisonment for possession of the sword-stick.

It is not until we come to the supplementary statement (page 560) that we find an allegation of enmity against approver Sundar Singh (W.G.); and all we need say about it is that it is a ridiculous assertion of a petty squabble; and an absurd attempt to support and explain the writing out of seditious stanzas which were afterwards put into his haversack.

Exh. D.10 is the record of the Arms Act proceedings (dated 19th January 1915).

The defence witnesses are D.Ws 31, 32, 53 and 620.

The first two, *lambardars* of his village, give him a good character (one only says "as a youth"); and the latter says he stayed a month in the village, and was then arrested. D.W.53, called as to the circumstances under which accused was arrested, could say practically nothing. D.W. 620 (a witness for accused 75) questioned at a venture for this accused, simply denied knowing him.

Accused's Counsel could, naturally, say but little for him.

Exh. P. 17 (shown to Sundar Singh) (W.G.) shows the stanzas referred to. It is asked why accused should have told Sundar Singh about pistols being brought in false-bottomed boxes; but there is no reason why Sundar Singh should have invented this; we know that Nidhan Singh (Lahore Conspiracy Case) had arms in false-bottomed buckets; and two boxes containing arms, etc, in false bottoms were actually opened in Court before us during the last case.

Counsel for the Crown has urged that accused is a dangerous man, awho was dropped at Singapore for revolutionary work, and was an associate of accused Sundar Singh of Doulu Nangal, a *Ghadr* emissary.

We, of course, bear in mind that accused is under a sentence of seven year's imprisonment already.

We are satisfied that the accused came to India on the Nam Sang for the purpose of waging war, reproduced seditious literature, associated and conspired with other revolutionists at various fairs on arrival in India and joined the armed Jhar Sahib Sarhali array, and was also in possession of arms for waging war.

We cannot of course deal with the latter matter again, as he has already been sentenced for that, but we find him guilty of waging war under section 121, Indian Penal Code, **and sentence him to transportation for life. It is not necessary to record findings and sentences on the other charges. We also direct that all his property liable to forfeiture be forfeited to the Crown.**

25. Harnam Singh, son of Jewan Singh, of Padhana, Police Station Khalra, Lahore.

[Discharged. — Eds.]

26. Harnam Singh, son of Sundar Singh, of Kala Sanghian, Kapurthala State, aged 26 (Serving Soldier):—

[Jail Escapee, who had jumped while standing on Jail wall, got seriously hurt and was re-arrested soon after along with 4 others, namely, Kesar Singh, Lal Singh, Pakhar Singh and Sunder Singh. — Eds.]

Harnam Singh

Harnam Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (P. 601), admittedly belonged to the 26th Punjab Infantry; from which regiment he was discharged on 19th February 1915. Nearly all the prosecution witnesses who testify about him belong to that regiment. In court approver Bachan Singh wrongly identified him as "Bir Singh"; and approver Amar Singh, II, wrongly as accused 98 Uttam Singh; but neither of those persons says anything against him. He was arrested on 8th July 1915.

P.W. 34 Jamadar Buta Singh, of the 26th Punjab Infantry states that accused was one of those who used to attend *Ghadr* lectures at the Hong-Kong *gurdwara* while the regiment was stationed there during 1913-14, in spite of prohibition issued by the Military authorities. This accused belongs to the witness's village; and the witness states that accused tried to get his discharge from the Regiment in Hong-Kong; and was eventually sent in a draft to the regimental depot at Karachi in June 1914. the depot was moved to Ferozepore; where the witness joined it on November 5th, 1914. According to the witness, accused was one of the sepoys from whom he made enquiries (Page 207) re returned emigrants frequenting the lines; and accused told him that some ten men of the regiment were ready for mutiny; and gave him some names; also mentioning Kartar Singh of Soraba (the important revolutionary hanged in the Lahore Conspiracy Case), and saying that the *Ghadr* ranks contained many men of the army and Bengalis. Accused told the witness he had a pistol,

which would not take service cartridges; but he did not show it to the witness. Accused and approver Teja Singh (originally accused 92, who was tendered a pardon by this court) were sent on forced leave; and were afterwards turned out of the regiment. In cross-examination (P. 208) the witness states that he reported against accused at Ferozepore; but himself saw no suspicious person visit accused. He denies that accused ever deposited money with him at Hong-Kong; or that a panchayat demanded repayment of it. He denies that one Partapa of his village borrowed money from accused; it was borrowed from witness, and was repaid to his relative. Accused, he says, was not even in his company in the regiment. The witness explains that accused was ready to tell him all (in a conversation about the end of January), because the witness caused him to believe he would assist him in his revolutionary work.

P.W. 35, Captain Cargill of the same regiment, tells us that, when the draft arrived in July 1914 at Karachi, this accused was one of those, who had either to apply for a discharge, or be compulsorily discharged (Page 209, for full details). The witness corroborates P.W. 34, from whom the witness gathered that accused and the approver Teja Singh were ringleaders, so far as trouble in the regiment was concerned. Accordingly, accused was sent off on leave on February 11th; and was discharged from the regiment on the 19th. Witness admits that accused did apply at Karachi for discharge; but was told to apply again on return from leave.

P.W.37 Bhan Singh, sepoy (26th Punjab Infantry), who was also mentioned by Jamadar Buta Singh, states that the Jamadar ordered him to enquire about the visit of returned emigrants; and that accused Labh Singh (48) told him that this accused was ready for mutiny. This the witness reported to the Jamadar; and denies that he was ever in hospital at Hong-Kong with accused, or that accused reported him for malingering. He states that he was reduced from the position of Lance-Naik simply for illiteracy.

P.W. 38 (Mohan Singh, regimental *mistri*) states that in February 1915, 2 *Monas* (one of whom had gold stopping in his teeth) came to the lines in Ferozepore asking for accused; and soon after, the witness found accused cooking food for them in his (the witness's) quarters; and turned them out. The witness did not ask the names of the strangers; and had no suspicious. He denies any enmity with accused.

P.W. 233 is approver Teja Singh (who was tendered a pardon by

this Court), who was formerly in the 26th Punjab Infantry. He asserts that accused was won over to *Ghadr* ideas in Hong-Kong in 1914. He returned with accused and the Jamadar to Karachi depot; and, when the depot was moved to Ferozepore accused was left behind at Karachi, as it was intended to send a draft to Hong-Kong. He says, in favour of this accused, that accused was not present at the meeting at Ferozepore Hospital when Pingley (Lahore Conspiracy Case) and other *Ghadr* men were present. In cross-examination this witness stated that it was the co-accused Kirpa Singh who first told him that this accused had joined the Ghadr party. He denies that accused had any enmity with Jamadar Buta Singh at Hong-Kong.

P.W. 344 is Madho Singh, who was Head Clerk at the 26th Punjab Infantry depot. He states that this accused and the co-accused Hira Singh, Labh Singh and Phumman Singh stirred up men in the depot at Karachi to make trouble about rations, compensation and clothing allowance deposits; and incited men detailed for a draft for Hong-Kong not to go. They made further trouble at Ferozepore; and talked of seducing loyalists. The witness reported to Captain Cargill. He corroborates P.W. Mohan Singh re accused's bringing 2 suspicious strangers to the lines on the 18th or 19th January 1915; and adds that he himself saw them going to approver Teja Singh's quarters, and that Mahan Singh told him that the men had a revolver with them. This, too witness reported to Captain Cargill. In cross-examination the witness says that the sedition started 2 or 3 months after the return from Hong-Kong. He flatly denies that any Government property was found in his possession at Ferozepore. He admits that accused asked him to give one of his quarters at Karachi to one Ishar Singh, and that he refused.

We can certainly see no reason why all these persons belonging to accused's old regiment should have banded together to get him into trouble; but another very important piece of evidence against him, in our opinion, is the slip of paper (Exh. P. 243). It has been amply proved that slip of paper was found upon the person of the Anarkali murderer (Sajjan Singh-since hanged) after his arrest; and it apparently bears upon it the name and address of this accused, the actual words being:—

> *"Pind Kala Singhian da, Harnam Singh Pulltan number Chhabi (26), Lachhman Singh."*

Our concluding remarks on this Exhibit (which was Exh P. 299 in the Lahore Conspiracy Case) in our judgment in the last case were as

follows:—

> "We know that Arjan Singh, alias Sujjan Singh, the Anarkali murderer, shot the police officer Mahsum Ali on the 20th February, that is to say, one day after the discharge of Harnam Singh, sepoy, and the same day that the discharged sepoys returned, out of whom only one Labh Singh was caught in the lines at Ferozepore. The address of Harnam Singh, and of his brother noted on the slip we are discussing is indicative of the connection of the Anarkali murderer with the disaffected sepoy Harnam Singh and his brother. The reason for noting the name of the village was obviously with a view to finding them whenever needed for future association in the cause of the revolt."

Accused's statement appears on page 424 of the record, and a supplementary statement was put in by him, and is to be found on page 567.

He admits he was in the 26th Punjabis at Hong-Kong, Karachi and Ferozepore, and that he was sent on leave on the 11th February and discharged on the 19th. He admits also that he tried to get his discharge in Hong-Kong and elsewhere, but asserts it was because several of his relatives bad died of plague, and suggests that his name occurs on the slip found in possession of the Anarkali murderer as he had been discharged or as a possible victim.

To all other allegations he gives a denial, and, after recapitulating his services, lays the blame for his incrimination on Jamadar Buta Singh from whom he had demanded money due, payment of which had been refused. He also states he was given Rs. 30 advance when he went on leave about 11th February, which he urges would not have been given him had he been then under suspicion. Accused has produced 13 witnesses in defence:—

Niaz Ali, Pay-havildar, D.W. 696, proves accused did apply for leave or discharge on account of his brother's death, and that he was given an advance on taking leave, and also prior efforts at getting discharged. He gives him a good character, deposes to a dispute with Madho Singh about a room in Karachi, and denies accused objected to go to Hong-Kong from Karachi. Sepoy Labh Singh (D.W.958); Kabul Singh (D.W.705) and Bhagwan Singh, Havildar (D.W.702); Sarda Singh, regimental clerk (D.W.972), and Naik Jai Singh (D.W.697), give accused a good regimental character; so too does Munshi Singh,

sepoy (D.W.629), who also deposes that accused tried to get his discharge on account of illness in his family. The latter fact is also deposed to by Fauja Singh, sepoy (D.W.700) and Jiwan Singh, *lambardar* (D.W.701), Kabul Singh (D.W. 705), Isher Singh (D.W. 712), Labhu (D.W.713) Lakha Singh (D.W. 714), Puran (D.W. 715) depose to such illness, requests by accused's relations to get him discharged, and a demand for payment of money from Jamadar Buta Singh; while Jamil Singh (D.W. 703), Narain Singh (D.W. 704), Kabul Singh (D.W. 705) say accused procured recruits before the regiment went to Hong-Kong and give him a good character.

Sardha Singh, clerk (D.W. 972) appears to deny any gathering in hospital as alleged by the prosecution.

The argument by Counsel is mainly directed to contesting the reliability of the witnesses Buta Singh and Madho Singh, and to pointing out that accused was on leave, when discharged, and so could not be cognizant of the projected rising on the 19th. No argument of value is put up to explain the presence of accused's name on the slip of paper found with the Anarkali murderer, beyond that as the latter was in Ferozepore on the 19th, he may have heard of accused's dismissal, and therefore thought as a man with a grievance he might be useful later-a contention which does not fit in with the presence of accused's brother's name as well. Argument is also addressed to us that accused sought discharge for family reasons.

After giving full consideration to what has been advanced in his favour we are satisfied that accused was an active revolutionist in the 26th Punjabis, both in Hong-Kong and in India, and an associate of Kartar Singh (Lahore Conspiracy Case) and others, though he was prevented by his leave and discharge from taking an active part on the 19th February.

We are of opinion that accused fomented revolutionary ideas in his regiment, and abetted the waging of war.

We accordingly find him guilty of conspiracy to wage war, abetment of waging war and mutiny, **and sentence him under sections 121, 121A and 131, Indian Penal Code, to transportation for life, and direct that his property liable to forfeiture be forfeited to Government.**

[As per *Ghadr Directory* 1934 "All his landed property has been confiscated. His wife and children are in receipt of an allowance of Rs. 10 per month from the Gurdwara Prabandhak Committee." Till he expired on 18.05.1978, he kept on struggling for restoration of his land but failed. Ultimately his kin got just partly compensated, as late as in 2011 thatt too only as a result of P.I.L. filed and pursued by Prof. Waraich in Punjab and Haryana High Court, Chandigarh. — Eds.]

27. Harnam Singh, son of Asa Singh of Sursingh, Police Station Khalra, Lahore.

[Absconded. Was subsequently arrested, but the case against him was withdrawn. — Eds.]

28. Hira Singh, son of Manna Singh, of Charar, Police Station Muzang, District Lahore, aged 40:—

[Jail Escapee, who got seriously hurt after jumping from the Jail wall while standing and was re-arrested from a nearby spot along with Jinder Singh. — Eds.]

This accused, who pleaded "Not Guilty" to the charges framed against him (page 603), is one of the important accused in the present case. He was deported from Hong-Kong, and admittedly reached India during the spring of 1915 — he says, by a British India Steam Navigation ship of which he cannot remember the name. He was interned on the 9th June 1915.

He was identified on Jail parades by the following approvers and witnesses:— Ganda Singh, Puran Singh, Wasawa Singh, Bhagat Singh (as "Mahindar Singh"), 306, 308 and 309. In Court by Puran Singh, Wasawa Singh and Achhar Singh (P.W. 25). Approver Ganda Singh did not identify him in Court; and the 2 pointsmen, P.Ws. 112 and 114, wrongly pointed him out.

Approver Ganda Singh tells us that soon after the 19th February 1915, at a meeting held at the Lahore Cantonment Rifle Range, accused Prem Singh urged those present to get in touch with this accused. (The vicinity of accused's village Charar to cantonments can be seen from the site plan with this record). In accordance with this advice, the witness and others proceed to visit accused, who tells them that he has been in Hong-Kong and preached *Ghadr* at Singapore; been deported; has visited Burma and arranged for arms there; also Baluchistan (ostensibly, to buy bullocks), where he has arranged with a *Baluchi* to start a rebellion on

receipt of a telegram — "Send me white wool." The witness (who was not cross-examined) asserts that, after the explosion of a bomb in a box at a railway station, with which certain men of the 23rd Cavalry Depot were connected, he sent a postcard to Achhar Singh, recruit of that regiment, to warn this accused.

P.Ws. Puran Singh, Wasawa Singh and Achhar Singh, all corroborate the story that this accused was visited by them and other members of the 23rd Cavalry on the advice of accused Prem Singh, who designated accused as an "important revolutionary"; and in more or less detail support Ganda Singh's account of accused's journey abroad, and in Burma, Assam, Baluchistan, etc., for the purpose of spreading the *Ghadr*, and seducing troops. Puran Singh tells us, amongst other things, that accused advised them to work quietly in the regiment until every thing was ready; and said that the Germans would send Indian prisoners back through Persia and Kabul; that the Amir would co-operate, and so on. Puran Singh also tells us thast accued, at the time, was suffering from fistula; and says that he and his co-approver Wasawa Singh introduced P.W. 199, Fauja Singh (Fauja Singh supports this assertion) to accused that he should help Maghar Singh with money. Nothing in favour of this accused was elicited in cross-examination (page 127); and we fail to see how a man like this witness could hasve invented this story.

The same remarks apply to the statements of approver Wasawa Singh and P.W. 25 Achhar Singh — both of whom mention the "white wool" telegram. Wasawa Singh says thast accused warned them, on one of their visits, against placing too much confidence in accused Prem Singh, but he says that it was Fauja Singh who suggested that accused should help Maghar Singh with money (as can be seen, however, both witnesses on this point agree as to the occasion on which this was said). According to the witness whose evidence we are now considering, accused told them that he had an Arms Factory in Burma; and that he would give Maghar Singh a letter to post in Burma in a *special post box*, which would reach the Burma branch of the *Ghadr* society. Now, how could an ordinary man like this witness have invented the item of information about the *special post box*? It is true that Puran Singh does not mention it, but it is a question of memory; and, had there been tutoring, we should have expected both witnesses to make special mention of it. Approver Wasawa Singh was able to identify this accused in the 2 photo-

groups-Exhs P. 34 and 35; and in cross-examination (page 132) said that he visited accused once at his well, and twice at his house; and that, on each occasion the conversation lasted for about a quarter of an hour. P.W. Achhar Singh tells us, amongst other things, that accused boasted of having instigated the rising of the 5th Infantry at Singapore (the facts of which are still fresh in people's memories). Further, he gives corroborative evidence by saying that in May 1915, he received a "letter" from approver Ganda Singh re the bomb which had exploded in a box, telling him to warn accused.

The next witness to consider is P.W.199 Fauja Singh, cousin of Kirpal Singh, the Police Spy. He corroborates as to his visit to accused in March or April last along with Puran Singh and Wasawa Singh, when accused recounted his revolutionary wanderings, and promised to let them know when to act. This witness gave evidence in the 23rd Cavalry Court-martial case.

P.W. 201 (of Charar) corroborated as to Achhar Singh recruit's visit to accused. P.W. 202 accompanied accused to Jacobabad, and returned after 10 days with a bullock.

P.W. 205 (Jamadar Lal Singh, late of the Hong-Kong Police) stated that accused in Hong-Kong applied for the loan of a pistol, as being a money-lender; but the request was not granted. He reported rumours that accused was holding meetings and distributing *Ghadr* literature; and accused was arrested, placed on security and deported. He denied having had any dealing with accused.

P.Ws 306, 308 and 309 speak as to accused's actions in Bangkok. The first of them Mangal Singh was the *Granthi* there; and states that about a month after *Ghadr* papers had begun to arrive, the accused came there, saying he was a pedlar of jewels; and spent some 15 days in hospital. He lectured at the *gurdwara* and elsewhere, in spite of objections raised, and on one occasion at the shop of one Dharm Singh, on *Ghadr* subjects-on and off for about a month-and one Chet Ram distributed *Ghadr* literature. On the 6th February 1915 the accused and witness and P.W. Mehr Singh left for India; after a discussion at one Budha Singh's as to sending accused in company with the wife and children of Lehna Singh to avoid suspicion. At Rangoon, accused and Chet Ram and a Bengali discussed getting Chet Ram enlisted in the police to facilitate the passages of *Ghadr* adherents. Accused continued his seditious lectures at Rangoon and on board the ship; and (according to the witness) asserted in Calcutta

that the taxicab dacoities were for the purpose of getting funds and killing Europeans. He took up a collection on the ship. In cross-examination the witness added that accused's illness was nothing serious; that he (witness) did not talk about what he knew in his village; that accused returned for the express purposes of *Ghadr*, and told him that he had been away from India for years. He and accused lived together in Rangoon; and Chet Ram preceded them from Bangkok by 4 days.

P.W. 308 (Labh Singh, Arora) corroborates the previous witness. He admits that on jail parade he caused the accused to open his mouth when trying to identify him. P.W. 309 also corroborates and says that accused and Sundar Das (mentioned also by P.W. 308) left his company at Sangore (?Saigon). He denies having a dispute with accused at Rangoon about some milk. He first mentioned accused to Sardar Sukha Singh (the Criminal Investigation Department witness) some 3 months ago.

P.W. 310 (a Sub-Inspector of the Criminal Investigation Department) and P.W.346 (Mr. Slattery of the Criminal Investigation Department-*vide* Page 354) give details as to how these Bangkok witnesses were discovered, when enquiring about certain *Gujranwala Aroras* who had shops in Bangkok. P.W. 308's name was first ascertained and his statement was taken. Mr. Slattery tells us that the discovery that this accused was one "Hakim Singh", already known of, was only substantiated last December.

Both Mr. Scott (P.W. 10) and Inspector Harkishan Singh (P.W. 360) support the assertion that accused was suffering from fistula, and was in hospital in Simla during last July. The former says that both P.Ws 306 and 308 mentioned his name; and P.W.309 described him prior to identification. The latter, of course, denies any misbehaviour on the part of himself and another Sub-Inspector (who was in the Simla hospital under treatment); and denies that any of the approvers who were under military custody at Jutogh for the court-martial, could have visited accused in the hospital.

P.W. 331, a Subadar of the 25th Punjabis, tells us about the Hong-Kong Gurdwara. In cross-examination he denies knowing whether accused belonged to the party of the now notorious Bhagwan Singh, *Granthi*; nor does he know whether accused was in the faction headed by Lal Singh. Accused was a wealthy man; and, when about to be turned out, asserted that he was ill and innocent, and begged the Sikhs there to help him. The witness produced a pocket-book, saying that the entry "Hira

Singh's case" therein was a memo intended to remind him to report about accused to his officers.

The accused's statement and supplementary statement will be found on pages 425 and 551 of the record.

He admits returning to India in the spring of 1915, and alleges he came back owing to ill-health. He denies all the allegations made against him by the prosecution evidence. He admits he went to Jacobabad, but says he only went there to buy cattle; and on this point we may say at once that except the evidence as to what he said he had done there, which might be pure boasting there is no evidence that he did do anything criminal there.

He admits he was in Bangkok, but left there simply because he wanted to get home.

He asserts that Lal Singh owed him money, and hence has accused him and he also had enmity with him owing to charges made against the witness for defalcations in the Hong-Kong Gurdwara accounts. He states that he was for a long time ill in hospital in Hong-Kong, and it was due to Jamadar Lal Singh's machinations he was deported from Hong-Kong.

He also alleges he was ill most of his time in Bangkok, and did not lecture seditiously there, and he eventually came home ill and went and stayed quietly in his village. He accuses the Bangkok witnesses of perjury, owing to a dispute at Rangoon about the price of some milk.

He says that on arrest he was sent to Simla, and that when there he was asked to become a witness, and was asked also to give Rs. 5, 000 to be let off, and that as he declined to do so he has been falsely accused; and asserts that, while he was ill in hospital in Simla, witnesses who have identified him were brought there and he was pointed out of them.

The accused has examined 15 witnesses in defence.

D.W. 73 gives accused a good character in Hong-Kong, and deposes to enmity between Lal Singh and accused owing to *gurdwara* accounts and money due. Witness himself is restricted, D.W. 74, 453, 502, 613, 614, 616, 621 and 1021 give similar evidence. D.W. 75 mentions accused having a boil, and his being laid up in Charar accordingly; so, too, do (D.W. 76-7) who also give him a good character in his village.

D.W. 78 also gives him a good character before he went abroad.

D.W. 502 also says accused returned to India as he could get no employment in Hong-Kong.

D.W. 1020 saw accused in Jacobabad buying cattle-a matter we

have already dealt with.

Counsel for defence asks us to consider that accused has been unable to get witnesses here from Bangkok.

He urges further that accused was in hospital in Simla for fistula, and was shown to the Jutogh court-martial witnesses there; and suggests that as accused would not pay a bribe, the Police tutored the witnesses. Accused was certainly in hospital; but the suggestions made are entirely unsupported by a single scrap of evidence, and, as the Government Advocate points out, the whole fabric falls to the ground when we see that the Jutogh witnesses implicated him before ever he was arrested, and until they mentioned him the Police were ignorant of his activities.

He further urges there is no proof Prem Singh and accused were acquainted, but what further proof is necessary than Prem Singh's mentioning him it is difficult to see.

He then, forgetting his prior argument that the Police had tutored the witnesses to tell a false story, proceeds to argue that there are discrepancies in the witnesses statements; but there are no discrepancies on the points mentioned, viz, the visit to accused by sowars of the 23rd Cavalry.

Counsel also asserts the Bangkok witnesses have been tutored, and that they have implicated accused to save themselves.

He also urges that Prem Singh could not have known him, otherwise he would have taken him to Jhar Sahib, but how he could take him to Jhar Sahib, when he was not in India is not explained.

In regard to the Bangkok witnesses, the matter is made perfectly clear by Mr. Slattery. During investigations in Siam it was ascertained that there was a seditious movement there, and on enquiry in India from Aroras returned from Siam the police got the name of one Hakim Singh who was said to have been deported from Hong-Kong. The witness at once suspected this was possibly Hira Singh, who was already in the dock, and further enquiry showed this surmise was correct.

Unless, therefore, Counsel is prepared to urge that Mr. Slattery concocted the case against accused, the whole argument tumbles to the ground, and we need not pursue it further.

He also urges that accused went to Bangkok to get treatment. Possibly he did, but it does not affect the question as to what he did there.

He also presses on us the enmity with Lal Singh, and urges that accused is a well-to-do man would not join in *Ghadr*.

He also urges that P.W. 331 only entered accused's name in his pocket-book to remind his officers about the deportation order.

We have not pursued the argument about accused's in Jacobabad for the reason that there is no direct evidence he did anything there.

Besides demolishing the elaborate structure as to tutoring the Jutogh witnesses, the Government Advocate points out the method in which the Bangkok evidence was obtained, which we have already discussed; and suggests that accused remained in his village partly because he could not get about very much owing to fistula, and partly, because as a deportee he had to go warily; and partly because his village being only half a mile from Lahore Cantonments he could do efficacious work among the troop from there.

We have carefully considered all there is to be said for accused, and we are satisfied he was a prominent *Ghadr* agitator in Hong-Kong, that he tried to stir up inflammatory material in Bangkok, and came on to India to work for *Ghadr*. We are satisfied, too, that in India he was visited by several sowars at Prem Singh's instigation; and he invited them to mutiny and abetted mutiny.

We find accused guilty under sections 121, 121A and 131, Indian Penal Code of conspiracy to wage war, abetting the waging of war, and of abetting mutiny, **and sentence him to be hanged by the neck till he be dead, and we direct that his property, liable to forfeiture, shall be forfeited to the Crown.**

29. Ijaib Singh, son of Kesar Singh, of Virpal, Police Station Jandiala, District Amritsar, aged 24 years (Ex. Soldier):—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 605), returned, according to the prosecution evidence (*vide* P.W. 346, Mr. Slattery) from Shanghai vid Hong Kong by the Nam Sang, reaching Calcutta on October 13th, 1914. Accused in his statement (Page 427) says he came first from Nankin in a Chinese boat and then on in a Japanese boat, reaching Calcutta on a date he cannot recollect. He belonged until 1912 to the same regiment as approver Sundar Singh (W.G.).

He was identified on Jail Parade and in Court by that approver. Approver Kala Singh failed to identify him in Court owing to his "different clothes and appearance." (We shall have later to consider, with respect to him, the confessions of co-accused 90 and 93). He was

arrested on 18th September 1915.

Approver Sundar Singh (W.G.), tells us that he first met accused in Shanghai, where accused was a watchman. He saw him at Howrah Station on October 13th, 1914, in accused Gujar Singh's party, to which accused also belonged, during the Dewali at Amritsar. He was at Tarn Taran *Masya* asking the date for a rising; and at the Jhar Sahib assemblies of November 23rd and 26th. His name (according to witness) is in the Khairon note-book, Exh. P. 1; and he took part in the attempt on Sarhali *Thana*, Cross-examined (Page 90) the witness stated that accused enlisted in his regiment before he did; but he was unaware whether Subadar Prem Singh, of accused's village and the 93rd Infantry, got accused enlisted. The witness denied that one Narain Singh (of the same regiment as witness' brother, Tahl Singh), got him (the witness) discharged from the regiment; but admitted that there was a Court of Enquiry about the loss of a bolt. Re-examined (Page 91), the witness stated that he got Police employment in Shanghai on the strength of his discharge certificate.

Approver Kala Singh corroborates that accused was at the Jhar Sahib on November 26th; and says accused's name was well-known there in connection with *Ghadr* work.

P.W. 143 is Lieutenant Watson of the 28th Punjabis, who speaks as to the correspondence, Exh. P. 96 Accused was a reservist; and was sent notice to rejoin at the Reserve Depot. The letter was returned refused; so the witness sent the letter of October 23rd, 1 14, to the Superintendent of Police at Amritsar. However, accused rejoined of his own accord on January 14th, 1915; but the witness cannot remember whether he offered any explanation, nor knows of any letter from accused refusing to rejoin. The files show that accused was returned to his Regimental Depot from the Reserve Depot on January 20th, 1915.

It must, of course, be borne in mind that accused only reached Calcutta on the 13th October 1914.

P.W.'s 151 and 152 are *lambardars* of accused's village, who state that accused never returned there at all from abroad. One of them admits that he gave evidence against accused in his capacity of *lambardar* nearly 3 years ago; but denies enmity for the reason alleged; and the other only admits that accused's father got a decree against him some 3 months ago.

P.W. 360 (Inspector Harkishan Singh, C.I.D.), states that accused

was arrested in the 93rd Regiment at Jubbulpore, lame in one leg.

The two co-accused who mention him in their confessions are Teja Singh of Bhikewind and Thakar Singh of Thatian. The first of these mentions accused as on the same ship with himself and accused Gujar Singh, as joining the ship at Shanghai, as at Khairon and Sarhali; and the accounts given by both co-accused are most similar.

Accused's statement commences on page 427. He admittedly got on board a Japanese boat on his way back, and presumably it was the Nam Sang, at Shanghai. He returned to India, being very ill with rheumatism. He asserts that he went to his village ill; and that when he was called on as a reservist to rejoin his regiment, he wrote to say he was ill; and eventually rejoined in January 1915. He says he was ill when arrested (P.W. 360 has admitted that he was lame). Accused states that he does not know accused Gujar Singh, nor even heard of the Jhar Sahib; and says that the Police arrested 2 Ijaib Singhs, but let off the witness of that name (P.W. 167, Ijaib Singh of Waltoha). In this connection we must mention that in the confessions of both co-accused mention is distinctly made of "Ijaib Singh" of "Virpal" or "Arpal". Accused goes on to say that he was much too ill to have even gone to Khairon; that he was arrested at Jubbulpore in the 93rd Regiment; and he repeats the story of Sundar Singh (W.G.'s) enmity on account of a lost rifle-bolt. According to him, Sundar Singh "threw away" the bolt of the rifle of one Mehan Singh, brother of accused; and was put under arrest at the instance of Subadar Narain Singh, accused's cousin, being subsequently dismissed from the regiment.

The exhibits to be seen for the defence are Exhs. D 8,37 and 58.

Exh. D. 8, is the translation of letter, dated 18th October 1918, sent to this accused by the Officer Commanding the Lahore Reserve Depot, informing him that his name cannot be struck off, nor his discharge certificate be sent to him, until a sum of Rs. 4 advanced at the time of reserve training has been repaid by Money Order.

Exh. D. 37 consist of 2 copies of Judgments, put in to show enmity with *lambardar* witnesses who state that accused never returned to his village.

The two cases were as follows:—

(1) In a complaint by Sundar Singh and *Mussammat* Khemi against Santa Singh, Bhagwan Singh, Roda, Mullo Shiboo, Atma Ram, Wadhawa Singh, the accused were fined Rs 2 each,

dated 12th May 1902.

(2) This was a civil suit by Kesar Singh versus Wasawa Singh, claim for Rs 35 on book account, decreed on 11th October 1915.

It is not clear how the first case helps the accused. Nearly 13 years ago Sunta Singh (if he is the P.W. 151) was fined Rs. 2 at the instance of one Sundar Singh and a woman *Mussammat* Khemi. The second case is in point; it was a decree in accused father's favour against Wasawa Singh, father of P.W. 152, who admits the fact.

Exhibit D. 58 contains the Medical History Sheet of this accused. It shows that the accused was admitted in the hospital on the 21st May 1915 and discharged on the 15th September 1915. Previously he is noted as ill from 6th April 1915 to 16th April 1915.

The defence witnesses are D.W.'s 103 to 106 inclusive; 397, 518 to 520 inclusive; and 709 to 711 inclusive. The first four are 2 Havildars and 2 Naiks of the 93rd Regiment. They give him a good regimental character; say that he returned from China on account of rheumatism, and was in the regimental hospital afterwards on account of it. D.W. 103 says that accused remitted the Rs.4 in order to get his name struck off; and they attempt to support the story of the lost bolt. (For our remarks on this point, see the case of accused 7 which we adopt here). D.W. 397 is to the same effect (he is a Subadar). D.W. 518 and 519 assert that accused returned from abroad unable to walk; and say that he had enmity with *lambardar* witnesses. D.W. 520, accused's father, an old *Duffadar* pensioner of the 11th Cavalry, supports the story of illness and enmity. The remaining 3 witnesses are a Naik, a sepoy and a Mistri of the 93rd Regiment. They corroborate the story of accused 's illness, and the story about the rifle-bolt (*vide* our remarks in the case of accused 7); and D.W. 709 explains that by mistake the Rs. 4 was sent to an officer in the regiment instead of to the Reserve Depot, and consequently accused's name was never struck off, and he was recalled when war broke out- accused being under the impression that he had been discharged, and was wrongly being called on to rejoin.

Counsel for the defence has urged that Subadar Narain Singh (mentioned in approver Sundar Singh's evidence) could not be produced on account of his having gone to the Front; and we are quite prepared to make allowance for this, in connection with the story of the lost rifle-bolt. What this approver says in connection with this incident (in cross-

examination and re-examination at pages 90 and 91) is as follows:— The accused enlisted before he did. He was not discharged from the regiment at the instance of Subadar Narain Singh. A "cartridge" (according to the printed record; but really a "bolt"-a mistake due to the witness' pronouncing the word like "bullet")was lost; and its owner Mihan Singh (alleged to be related to this accused) suspected the witness. The witness appeared before a Court of Enquiry, and was released when the bolt was found in Mihan Singh's own baggage. The witness resigned of his own accord some 2 months later. According to the witness, accused himself had left the regiment before this incident occurred; and he denied that he had been subsequently arrested in the Lines when visiting his brother Tahl Singh; and arrested that he got employment in the Shanghai Police on the strength of his "Very Good" Discharge Certificate.

We have recited this evidence at greater length than we did in the case of accused 7 Bishan Singh, for the reason that not a single defence witness (not even accused's own father, D.W.520) supports the story that Mihan Singh, the alleged owner of the rifle-bolt, is any relation to this accused; and because D.W. 104 has admitted that this accused was not with the regiment at the time of this occurrence, though he says that accused 7 was. The obvious inference is that accused 7 Bishan Singh knew of some difficulty that Sundar Singh had in the regiment; and that the accused whose case we are considering has heard of it from him, and has tried to turn it to his own advantage-hence, the garbled defence story about the rifle-bolt, some witnesses saying that Sundar Singh was suspected at Rangoon; and others, at Barrackpore.

The next point taken by accused's Counsel is that his client is in the dock in place of the prosecution witness Ijaib Singh of Waltoha; and his point is that that witness (P.W. 167) belongs to Waltoha, and that the name "Ijaib Singh" is entered in the Khairon note-book Exhibit P.1, in a group of Waltoha men-i.e., there is a juxtaposition of names. However, that point has been answered by the Crown Counsel, who has admitted that at first the prosecution were under the impression that perhaps Ijaib Singh of Waltoha had been at the Jhar Sahib as well as this accused; but gave up the idea when it was found from the confession of co-accused 49 that Ijaib Singh of Waltoha had started, but had turned back a mile from the village; and when approvers had failed to identify him, though put to the test (*vide* Jail parade notes at pages 41 and 59 of this record).

On a careful consideration of the evidence we feel very grave doubts

as to whether the name Ijaib Singh in the note-book does refer to this man, though there is the evidence of the 2 retracted confessions, which we cannot unduly press against accused. The only man who describes accused as at the Jhar Sahib is Sundar Singh (W.G.) whom we are not prepared to accept alone, especially since we doubt his identification of accused with the name in the note-book.

We do not feel we can convict with this doubt in our minds; and we accordingly acquit the accused.

30. Indar Singh, son of Phumman Singh, Jat, of Sheikh Daulat, Police Station Jagraon, District Ludhiana, aged 25 (Bhanja of 98):—

[Jail escalee, who was re-arrested on 03.04.1918 after an assault by an armed mob of locals near Sasaram along with 5 others, namely, Arjan Singh, Gujjar Singh, Pala Singh, Sajjan Singh and Ganda Singh. — Eds.]

This accused who pleaded "Not Guilty" to the charges framed against him (page 607), is not a returned emigrant. He is a sister's son of accused 98 Uttam Singh; and has certain fingers missing from his left hand, a fact which, of course, might render him easier to identify. He was arrested 20th July 1915.

He was identified on Jail parade by the following approvers and witnesses:– Sundar Singh (A.M-who could only say he had seen him on a train to Ferozepore), Udham Singh of Hans, Bhagat Singh, 234 and 321.

In Court, by Bhagat Singh (who asked to see his hands), Udham Singh of Hans, and 234. Approver Sundar Singh (A.M), failed in Court to identify him.

Approver Bhagat Singh stated that accused was at the reed jungle assembly at Ferozepore on the night of February 19th, 1915 (Page 170); and that the "Kartar Singh" entered in the witness' diary Exh. No. 15 is accused's brother. The witness Mr. Scott has admitted that on Jail parade this witness asked several persons there to show him their hands (Page 205).

Approver Udham Singh of Hans corroborates as to the presence of accused at the reed jungle assembly; and says (page 197) that, after the collapse of the proposed attack, he left with accused by the Cantonment Station for Ajitwal, and separated from him at Dhudike. The Mullanpur

pointsman, P.W. 321, pointed out accused on Jail parade; and his statement concerned the men who entrained at Mullanpur dressed in black on February 19th, but he has not identified accused in Court.

P.W 234 (Ishar Das, *sharbat*-seller of Hoti Mardan) has identified this accused on Jail parade, and also in Court, as one of those with accused Roda Singh and Uttam Singh (accused's relation) who were at Mardan anxious to get across the border (Page 289).

There was practically no cross-examination of any of the witnesses.

Accused's brief statement is at page 428. He admits being sister's son of accused Uttam Singh, but denies having a cousin or brother named "Kartar Singh". He denies the allegations against him; and says that he has never even heard of Hoti Mardan. He says that, accompanied by Harnam Singh and Bhan Singh, he went to Rurki to bid farewell to some relations starting for the Front, sent off some goods by rail, and was arrested when alighting at Jagraon.

His defence witnesses are D.W.'s 341 to 351 inclusive and 717. The first of these (Head Clerk of the Deputy Commissioner's Office, Ludhiana) stated that he had been unable to trace any telegram relating to this accused from Subadar Bhan Singh (presumably, the Bhan Singh mentioned above). Harnam Singh, mentioned above, is D.W. 343; and most of the witnesses belong to accused's village. D.W. 348 is accused's father. These witnesses testify to accused's character, and say that he was in his village until he went off on a visit to Rurki. D.W.'s 350 and 351 make a most unconvincing attempt to show that approver Udham Singh of Hans (who was not even cross-examined) has some ill-feeling towards this accused. D.W. 717 (of the Sappers and Miners) state that in July last accused, accompanied by Bhan Singh, came to Rurki to see his brother, but the witness did not see Harnam Singh with him.

It is difficult to see what good this witness was expected to do accused, since Roda Singh (alias Ranga Singh, accused 70) was arrested at the *sharbat*-seller's shop in Hoti Mardan on the night of the 26th-27th June 1915. Presumably, it was a clumsy attempt at an *alibi*. Exhibit D. 77 is a Police Register showing that accused 70 and the *sharbat*-seller (P.W.234 Ishar Das) were for 3 days together in Mardan *havilat* — which tells us nothing of interest

Counsel for the defence argued that approver Bhagat Singh could not have observed on a dark night that accused had fingers missing; and has asked how accused came to know of the proposed attack of February

19th. We know, however, that news was sent round; and that accused's uncle, the accused Uttam Singh, was one of the persons spreading the news and collecting men for that occasion. It was, presumably, on account of this same uncle that this accused was in Mardan, anxious to get across the Border after the Walla Bridge affair. We are satisfied that the accused took part in the Ferozepore raid and is therefore guilty under section 121, Indian Penal Code, and we accordingly **sentence him to transportation for life and direct that all his property liable to forfeiture be forfeited to the Crown. — 7 Years**

31. Indar Sigh, son of Nighaya Singh, Goldsmith, of Bald, Patiala State.

[Absconding. — Eds.]

32. Isher Singh alias Puran Singh, son of Sajjan Singh, of Dhudike, Police Station Moga, District Ferozepore, aged 27:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 608) according to his statement at page 429 got on board the French Mail boat at Shanghai, and reached Colombo in December 1914 in company with accused Pakhar Singh. According to the Emigration lists (*vide* P.W. Mr. Slattery, Page 548), this accused, along with accused Uttam Singh, Pakhar Singh and Mastan Singh came from Canada by the French boats "Australien"; and reached Ludhiana between 17th and 21st December 1914. He was arrested on 19th September 1915.

We shall have later to consider in connection with this accused the confessions of certain co-accused.

He was identified on Jail Parades by the following approvers and witnesses:-Udham Singh of Hans Bachan Singh, Amar Singh, II, Arjan Singh, and Nand Singh. In Court by the same persons, except Amar Singh, II, and by P.W. 234.Approver Bhagat Singh did not identify him on Jail parade nor in Court; nor did P.W. 317 Ichhar Singh. At Court parade approver Amar Singh, II (who in his statement refers to accused as "Puran Singh" and who described him to the Magistrate) called accused Bishen Singh "Puran Singh", and said he had met him at Kapurthala-the witness may have been confused by some similarity in appearance; and was not cross-examined as to why he should be making a false statement.

Approver Bhagat Singh states that accused attended the reed jungle

assembly at Ferozepore on the night of February 19th, 1915.

There is no special reason for supposing that the witness is willfully implicating accused; but admittedly since the 19th May 1915, at any rate the witness has been assisting the Police; and he has twice failed to identify accused. At page 205 he says that accused suspected him of being a Police spy. We shall not attach any particular importance to his statement.

Approver Bachan Singh (who on Court parade identified accused as "also called Puran Singh") belongs to accused's village. Accused returned from America with accused Pakhar Singh; and helped to induce witness to join the Ghadr party. In *Phagan* or *Chet* he told witness that he had attended the abortive attack on Ferozepore. In *Chet* accused absconded, as the Police were after him; and failed to turn up at the meeting near Dhangyan culvert to be introduced to approver Bhagat Singh, who was told that certain buried arms would be distributed the following week when accused would be present. (Bhagat Singh himself mentioned the proposal to introduce him to accused). According to this witness, some 8 days later accused Pakhar Singh calls the witness and accused Rur Singh, saying that this accused and Banta Singh (hanged) "want some work done". The witness, on the way to the proposed attack on the Kapurthala Magazine, meets accused at Kapurthala Station in company with the Kapurthala "Havildar" and accused (armed with a pistol) guides him to the assembly in the garden on June 5th. About the latter half of June 1915 accused 63 Pala Singh brings witness a message that accused (then absconding) wishes to meet the witness in a field known as Kirwala (really, a cemetery); and eventually the witness meets accused there with accused 63 and Sham Singh and Jawand Singh absconder. Accused asks for Rs. 100 in order to get away to some Native State; and is given Rs. 30 by his father, who says he will get Rs. 60 more from accused Sham Singh, and send it through accused Pala Singh; and accused gives Pala Singh directions as to where the money is to be brought. The witness gives further details. He also produced to the Police the *Kirpan* Exh. No. 63 given him by accused Pakhar Singh, who told him he got it from accused. Cross-examined, — the witness denied that he had any personal enmity with accused or that there was any enmity between his and accused's *patti* (page 193).

Approvers Udham Singh of Hans states that accused arrived at Ichhar Singh's (P.W. 317) Gurdwara after Nidhan Singh (L.C.C.) had come there with bomb material from Jhabewal; and spent the night at the *gurdwara*. About February 1st accused Gandha Singh (17) brings Rs.

1,000; which amount is made over to this accused and Nidhan Singh; and is eventually taken on by them for use by the Amritsar *Ghadr* Committee. This witness also corroborates that accused was at the reed jungle assembly at Ferozepore. On February 21st accused and the witness go together to Doraha; but the projected attack is abandoned, and they return to Ludhiana, whence accused and accused Uttam Singh and Channan Singh (hanged) leave for Kiala. Cross-examined (*vide* pages 207 and 212)-the witness says that accused was present when Nidhan Singh brought the bomb materials. He admits that his statement in the Lahore Conspiracy Case was incorrect about his return to Lohatbadi. He says that the Rs. 1,000 incident took place the same day as Nidhan Singh brought the bomb materials; and that, though the money was made over to Nidhan Singh, it was entrusted jointly to him and this accused. This witness says that he deliberately left out this accused's name in the Lahore Conspiracy Case in connection with the Rs. 1,000; and that his statement then was not a full one. He also left out some names concerned with the reed jungle assembly. It is extremely probable that in that case the witness was not anxious to name different persons who were not then under trial.

Approver Arjan Singh has a long story about this accused, which runs as follows:– About the end of January 1915, accused and Rur Singh (L.C.C.) were at witness' house when he distributed *kora parshad* in honour of his return from Penang; and afterwards told the witness that they were going to leave their homes to devote themselves to "National Service" and commit dacoities for funds, get arms and start a revolution; and the witness agreed to join the *Ghadr*. Accused told the witness to try and get a pistol made for him by one Harnam Singh, blacksmith; and a *takwa* from another blacksmith, Narain Singh. Some 12 days later, accused Mohindar Singh brings a message from accused that witness should come to Lahore and join his party for a dacoity — which the witness declines to do. Later, accused (armed with a pistol) comes with accused Uttam Singh (armed with a revolver), and tells the witness to be ready for a rising. Fifteen days after Bisakhi accused comes with Banta Singh of the "golden teeth"; and the witness is given a Gurmukhi "*Ghadr di Gunj*," 4 brass inkpots, a metal *gadwi*, phials and chemicals to keep. They ask the witness to send for Kapur Singh of Kaonke (the accused discharged by this Court), as they want his help to be revenged on the persons who caused the arrest of Nidhan Singh and Rur Singh (Lahore Conspiracy Case); and the witness sends the boy P.W. Mehr Singh to

fetch him. A week later, Kapur Singh comes and says accused and "Puran Singh" (also another name for Banta Singh) had asked him to buy potash; and that he had arranged to get some in Ludhiana. Kapur Singh also asks for, and takes away, the copy of the "*Ghadr di Gunj*" (identified by the witness as Ex. P. 45).

On the evening of June 2nd, accused 64 Pala Singh brings a message that accused wants witness; and the witness then attends the Daudhar assembly, where accused forms a committee of 5 persons, and tells those assembled of the proposed attack on Kapurthala for June 5th. Accused Pakhar Singh gives accused Rs. 10; and accused gives Kapur Singh and accused Arjan Singh Re. 1 each for expenses. On June 9th accused reproaches the witness for not turning up at Kapurthala on the 5th; and asks him to come on the 12th, but the witness refuses, on account of being under restriction; and accused leaves angry, taking the bomb materials. The witness concludes by saying that this accused was one of those who seduced accused 64 Pala Singh to the *Ghadr* cause. There was very little cross-examination (Page 202) of this witness; who stated that accused introduced him to accused Uttam Singh. He denied that accused had lived with him in Penang; or suspected him of stealing £ 4; or that accused has any enmity with the family of the witness's sister's husband.

Approver Nand Singh states that on March 12th, 1915, at approver Arjan Singh's house in Daudhar, he was told by Arjan Singh and accused Chanda Singh that accused was a principal member of the Ghadr party. Early in April, accused 53 Mohindar Singh and Phera Singh come to approver Arjan Singh searching for accused, who is absconding; and a few days later Arjan Singh says accused has visited him. (It may be noted, in passing, that approver Bhagat Singh mentioned accused Mohindar Singh and Phera Singh as persons who promised to arrange a meeting between him and accused when he was trying to get hold of accused for the Police.) This witness corroborates approver Arjan Singh as to the endeavour by this accused and Banta Singh "of the golden teeth" to discover the persons who caused the arrest of Nidhan Singh and Rur Singh (Lahore Conspiracy Case), and as to the sending for Kapur Singh (discharged). He also gives corroborative evidence to the effect that accused had a dagger-for which, he says, accused Chanda Singh *darzi* made a cloth cover; he corroborates also re accused's presence at the Daudhar assembly on June 2nd; where accused said that he suspected approver Bhagat Singh of being a Government spy (compare Bhagat

Singh in cross-examination), and so Kapur Singh should go and fetch the bomb materials without his knowledge. The witness even corroborates on the small detail of Re. 1 each being given to accused Arjan Singh and Kapur Singh. In cross-examination, the witness states that a revolver, which accused once cleaned in his presence, was 6-chambered (*vide* page 238).

Approver Amar Singh, II (whose identification we have already noticed) states that accused was present at Kapurthala on June 5th, armed with a revolver. When it was decided there to postpone the attack until the 12th, this accused said that men of Malwa should join in the projected attack on Walla Bridge, with the result that accused Rur Singh and approver Bachan Singh offered themselves.

P.W.'s 72, 74 and 77 are only produced as to the accused's visiting accused Phera Singh.

P.W. 79 (*lambardar* of accused's village) states that accused was restricted after his return from abroad; and absconded when ordered to give security-and never returned. The witness cannot say whether accused left with the zaildar's permission to fetch his wife.

P.W. 234 (the Hoti Mardan *sharbat*-seller) identified accused in Court as one of the men who were anxious to get across the Border.

P.W. 317 Ichhar Singh states that about 2 days before the Rabhon dacoity, accused came when Nidhan Singh (Lahore Conspiracy Case) and accused Gandha Singh were also there. This witness also calls this accused Puran Singh; and his statement is clearly corroborative of the statement of approver Udham Singh of Hans-the date of the Rabhon dacoity was February 3rd, 1915.

P.Ws. 61, 62, 63 and 64 (a Sub-Inspector, 2 *lambardars* and a Head Constable) speak as to the arrest of this accused in company with the important accused 98 Uttam Singh on September 19th, 1915. (It will be remembered that accused and Uttam Singh returned on the same ship; and other witnesses have mentioned them together). They were arrested near a Sadhu's Kotha outside the village of Mana Baghwana in Faridkot State, where they had been lurking for some 10 days. A key of the Kotha was found on accused; and a revolver, automatic pistol and cartridges (Exhs. P. 73 A.B., 74, 75-*fard* 76) were found on searching the Kotha. According to the witnesses, these accused, on being captured, sang revolutionary songs and regretted being without their arms. Nothing of value, in our opinion, was elicited in cross-examination.

P.W. 220, Inspector Iqram-ul-Haq, says that on September 28th, 1915, this accused mentioned the name of the Kapurthala Havildar as Bhagwan Singh sepoy — with the result that Bhagwan Singh gave up the pistol and *safa* produced in Court.

P.W. 287 (a C.I.D. Inspector) states that on July 6th, 1915, Buta Singh (hanged) mentioned that accused had brought "2 Malwa men" to Kapurthala on June 5th. Those two were, no doubt, approver Bachan Singh and accused 72 Rur Singh.

The accused is mentioned in the confessional statements of accused 62 and 84.

Accused 62 mentioned him visiting Dhudike with accused 98, talking revolution, and seeing him at his own well, where he fixed the culvert meeting for June 2nd. He also said he was present at that meeting, where the Kapurthala raid was planned; and he saw him on June 11th, when he explained why that enterprise had failed, referred to the departure of men for the Walla Bridge, and made arrangements for another attempt at Kapurthala on the 12th.

Accused 64 also mentioned seeing accused at the culvert meeting of 2nd June, fixing up the Kapurthala raid, and again on the 11th June.

The accused's statement will be found on page 429 of the record. He admits returning on the Yat Sang, but denies all the activities assigned to him by the Crown witnesses. He admits arrest in Faridkote, but denies he had arms there; and asserts he absconded, though restricted, as he feared internment, being a returned emigrant. He accused Arjan Singh (approver) of stealing money from him in Penang, and also says Bachan Singh is an old enemy of his. He has produced 36 witnesses in defence,some of whom were in conjunction with accused 80, and say little affecting this accused. Witnesses P.Ws. 264-8 and 277 say accused remained in his village after return for some time and went away to fetch his wife on 24th February, but did not come back. P.Ws. 352, 3-7-8-9, 360-1-2, 608-9-10-11-12 give similar evidence, and some speak as to his good character.

Evidence is also produced to show accused was taken before the D.C. on the 24 February at Moga, after which he left his village.

D.Ws. 364-5 depose to accused suspecting Arjan Singh of stealing money from him in Penang, while witnesses 782-4 assert there was no search or discovery of pistols when accused was arrested in Faridkot. The other witnesses say nothing of any value. We are not prepared to

place undue reliance on this evidence.

Counsel for Defence urges that Bhagat Singh failed to identify accused, and that though there is no direct personal enmity between Bachan Singh and accused, there is hostility between the parties to which they respectively belong-rather a far-fetched reason for false evidence.

He also attacks Udham Singh in regard to the exact date he says he went to Kaile, but it is impossible to expect anyone to have an accurate memory as to every date on which minor incidents occurred, and we cannot accede to the contention that he has now altered his dates to drag in accused 32.

He also urges Anokh Singh, and Bhagat Singh do not mention accused in connection with Doraha. He further presses that accused's absence from his village was due to fear; and that the defence is true that no pistols were found on arrest; and contends that the story that accused plotted the murder of the captors of Nidhan Singh on the very day the latter was seized is a clever concoction of the plotter-a contention we certainly discard. He further urges that the Mardan *sharbat*-seller failed to identify accused on jail parade, and that the retracted confessions of accused 62 and 84 cannot be used against accused — a point we have already discussed and disposed of.

The Government Advocate rightly points out that the reason why Anokh Singh and Bhagat Singh do not mention accused at Doraha is because he was with Udham Singh; and the two parties did not meet.

He also urges that he was a fellow passenger of accused 98's, and they were always together, that his identification by 5 men on Jail Parade and 4 in Court leaves no room for doubt; and that he was an active seducer of Bachan Singh and accused 64.

He asks for the extreme penalty, as those at the Kapurthala gathering on the 5th June abetted the Walla Bridge murders, and points out accused and 98 organized the Daudhar meeting, and that accused was one of the men who wanted to murder Nidhan Singh's captors.

We have carefully considered all that has been urged for the accused, and we are satisfied that he returned in the company of accused 98 to India to subvert the Government.

We are satisfied that he began to take an active part in revolution from an early date, and was present in the Ferozepore raid and subsequently in the abortive attack on Doraha bride

We are also satisfied that he took a leading part in the seditious

activities in Dhudike, seducing many; and absconded from his village after receiving a restriction order visiting the village in secret at night time; also that he projected murdering Nidhan Singh's captors.

We are satisfied he was the culvert meeting on 2nd June, and was foremost in planning the Kapurthala raid in which he participated; and there abetted the Walla Bridge outrage and arranged for another attempt at Kapurthala on the 12th.

We are satisfied also that he escaped to Faridkote State to avoid capture, and was there arrested; and arms were found in the house occupied by him.

There are minor activities which we need not discuss here; they are sufficiently related above.

We accordingly find him guilty under sections 121, 302-109, 121A, and **sentence him to be hanged by the neck till he be dead, and direct that all his property, liable to forfeiture, be forfeited to Government.**

[Hanged in Lahore Central Jail on 18.6.1916. — Eds.]

33. Jagat Singh, son of Dewa Singh, of Gujarwal, Police Station Dehlon, District Ludhiana, aged 45:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 610), arrived in India from San Francisco by the S.S. Om Sang on January 3rd, 1915. He was arrested on 20th July 1915.

He was identified on Jail Parades by the following approvers and witnesses:— Sundar Singh (A.M., who "thought he was Ram Singh's brother)", Anokh Singh, Udham Singh of Hans, Bhagat Singh and 43. In Court by the same 4 approvers.

Approver Sundar Singh (A.M.) tells us that accused's brother's (Ram Singh Reservist's) house at Gujarwal was used by accused Randhir Singh for a secret meeting; but though he says that accused was present at the *Granth Sahib* recital, he does not mention him as present at the subsequent secret meeting. However, he mentions him as present just afterwards, when accused Uttam Singh said that a Nihang Sikh near Gujarwal could supply weapons for 100 men; and states that accused promised to let 3 men of Gujarwal, who were present, know the date fixed for a rising; and that he started with Uttam Singh and accused 23 Harnam Singh to go to the Nihang Sikh. Further, that accused on the 19th February joined the train at Mullanpur with Randhir Singh. Cross-

examined (Page 163), witness only said that he did not enquire why accused got up the *Akhand Path*.

P.W. 11, Mr. Donald, Superintendent of Police, Ludhiana, cross-examined, can only say that he probably arrested accused with several others as a result of approver Bhagat Singh's statement, which he recorded-he cannot recollect whether any of those persons were let off 5 days after arrest.

Approver Bhagat Singh corroborates about accused's being at Mullanpur Station on February 19th; and says accused was also at the reed jungle assembly at Ferozepore. On March 11th, accused Mastan Singh sends the witness to accused's house to enquire from accused 23 Harnam Singh about the arrest of Nand Singh (Lahore Conspiracy Case). The witness says that the name of accused's brother is entered in his diary-Ex. P. 15; but that the brother is not a revolutionist (Page 185). This witness (Page 204) was able to give details about the position of accused's house and its surroundings.

Approver Udham Singh of Hans says that accused was fetched on February 19th by himself, Uttam Singh and others for the Ferozepore rising; and was at Mullanpur Station and the reed jungle assembly. He denies having seen accused at Dehlon or Ludhiana thanas.

P.Ws. 41, 49 and 288 (2 Sub-Inspectors and a *Zaildar*) were cross-examined as t0o accused's release after arrest; the *Zaildar* only (P.W. 49) says he was released in Ludhiana.

P.W. 346 (Mr. Slattery, C.I.D) cross-examined, says that he cannot recollect accused's saying that the reason for his return to India was that he had 4 brothers serving at the Front. Accused in Court told him he had returned by the s.s. Om Sang. This witness further states that accused's name was telegraphed from Hong Kong as "Ujagar Singh"; and gives his reasons for saying that the passengers of the Om Sang and Australien were really of one party (*vide* page 549).

P.W.'s 43 and 44 are produced to corroborate the story of the secret meeting held by Randhir Singh on the roof after the *Akhand Path* at Gujarwal. P.W. 43 (Channan Singh) says he reported accused's name anonymously to the Police; and also told it to P.W. 45 (Channan Singh of Soraba), who entered it in a pocket-book. He admits having given evidence for Mota Singh's widow against one Sardara Singh; but denies that Sardara is accused's nephew. P.W. 44 purports to have heard the seditious harangues from the next roof; and says some of those present

were dressed in black. He denies that Mota Singh's widow lives in the previous witness's house; or that Sardara Singh gave evidence against him.

P.W. 45 (Channan Singh of Soraba) entered accused's name amongst others in his pocket-book, Exh. P. 65, when told it by P.W. 43. The note is dated *Chet*. Channan Singh told him that the men had spoken against Government 10 days previously; and that accused had said he could make a "goli". The witness says that he reported to the Police; and had also reported against Nawab Khan, approver and Kartar Singh (Lahore Conspiracy Case). One of the names entered is that of "Sardara Singh of Narangwal."

Accused's statement will be found at Page 432. He admits that Ram Singh, Reservist, is his brother; and says that he got up an *Akhand Path* for the victory of the British Raj, and for his brother and cousins at the Front; at which accused Randhir Singh read the *path*, certain co-accused being with him (We are perfectly prepared to believe that this ceremony, in its inception, was genuine and innocent; and that it was due to Randhir Singh that a secret seditious meeting took place after it.) We are not prepared to believe this accused's statement that the *path* lasted from the 18th to the 20th January 1915; and our reasons for this conclusion have been given elsewhere, and will to some extent be repeated. To continue the accused's statement — he denies that any secret meeting took place; but admits that Bhagat Singh, approver, visited him (*vide* the answer to question 11 on page 432). He tells a stupid story of Bhagat Singh's coming to his house, being afraid of a dog, and talking seditiously, and being turned out in indignation. This sort of explanation really goes to help the prosecution. He says that he has been falsely implicated by P.W. 43, Channan Singh, whom he mentioned in connection with Bhagat Singh in the answer to question 11, and says that he holds three medals (we have been shown one, a Frontier medal of 1897-98).

Realising, of course, that it would be well to prove an *alibi* for the 19th-20th February, he has told us an unconvincing story about waiting about on both those days at his village Post Office in expectation of money orders in connection with remittances sent by him from America in January 1914. These money matters, he says, partly occasioned his return to India; and admit that he did not actually get the money till February 24th-25th.

The defence witnesses are D.Ws. 374 to 396 inclusive and 940.

The first witness is the Post Master of accused's village, produced in support of the *alibi*. His statement will be found at the bottom of page745; and, while we are quite prepared to believe his statement that accused was paid his money on February 25th and 26th, we are certainly not prepared to accept it as good proof of accused's presence in Gujarwal during the 19th and 20th. Some of the witnesses are related either to this accused or to co-accused; and attempt to support the story of accused's hanging about the Post Office, and of Channan Singh's enmity; and also make out that Channan Singh was not in the village at the time of the *Akhand Path*. The most important of the first batch of witnesses is D.W 79, Ram Singh, pensioner, brother of accused. He and other witnesses have attempted to upset the prosecution date for the *Akhand Path* at Gujarwal; and the witness has produced Exh. D. 27, a letter which he says he found among accused's effects. It purports to have been written to accused by accused Randhir Singh from Mehman Singhwala on January 13th, 1915. It is profuse in its loyalty; fixes dates for accused's *Akhand Path* ending with the *Basant Panchmi* day (the dates being unnecessarily entered in the letter according to both the English and Indian months); and winds up by saying that Surjan Singh (presumably, accused 89) will give all assistance. We have no hesitation about saying that we believe this letter to have been manufactured expressly for defence purposes.

D.W. 940, a cousin of accused, states that he wrote to Ram Singh, to recall accused to India (this may be quite true), and that accused has 9 cousins serving at the Front.

Exhibits P.D. 28, 29 and 33 are put in to prove enmity with P.W. 43 Channan Singh of Gujarwal.

D. 28 is a copy of a suit by Channan Singh Kehr Singh, Mangal Singh for Rs. 200, dismissed on 26th November 1915.

D. 29 is a copy of a criminal case under section 223, Indian Penal Code, by Premi v. Sardara, in which the accused was imprisoned for a week and a fine of Rs. 10, dated 16th July 1915. Sardara is the man whom accused says he helped in the matter of seduction of his aunt by Channan Singh. The relevancy of this first case is not apparent.

D. 33 is an extract showing that in July 1896 one Jiwa complained against Channan Singh, Bhagta and Fauja, in which the accused were fined. There is nothing to show what Sarwan Singh had to do with the case.

It is argued by defence Counsel that this accused and accused Sarwan

Singh could never have associated, being enemies (*vide* Ex. D. 33). There is the familiar argument about the dates of the *Akhand Path*; and it is pointed out that approver Sundar Singh does not mention accused as at the secret meeting; but he does mention him as at the discussion just after it. Bhagat Singh does not appear to have been inimical; in fact (*vide* near top of Page 204) he seems to have been mainly responsible for the release by the Police of this accused at first.

We are not prepared to believe that accused has simply been dragged into this case by the machinations of P.W. 43; and it seems probable that he was loyal enough until Randhir Singh and his associates prevailed upon him to take part in foolish and nefarious designs.

We agree with our colleague Pandit Sheo Narain so far the case presents some difficulties, but, on a full consideration of all the facts, we are of opinion that the case is proved.

No doubt the getting up of a '*Bhog*' is a perfectly innocent affair but the question is, did he go to Ferozepore in martial array?

We do not think the accused was an active revolutionist before the 17th February; and are of opinion that Randhir Singh induced him to go to Ferozepore on the 19th, probably representing that to do so was a religious duty, as he did in the case of Ram Singh.

His presence in the Ferozepore raid is to our mind undoubted, **and we convict him of waging war, and sentence him under section 121 to transportation for life, and direct his property, liable to forfeiture, be forfeited to the Crown; but viewing his case as one of a sudden and misguided impulse, we recommend him to the utmost mercy, and that the order of forfeiture be not enforced. — 2 Years**

A.A. IRVINE,
The 30th March 1916 — President, Commissioners

T. P. ELLIS,
The 30th March 1916 — Special Commissioner

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This accused has pleaded "Not Guilty" to the charges framed against him, page 610. He arrived in India per Om Sang 3rd January, and was arrested on 20th July 1915; as Mr. Donald says, probably in consequence of Bhagat Singh approver's statement. Approvers Sundar Singh (A.M.), Bhagat Singh, Udham Singh, Anokh Singh and P.W. 43 identified him both in Jail and in Court.

This accused's brother Ram Singh was a reservist, and an *Akhand Path* was got up by the accused at his house for his brother's sake, where Randhir Singh officiated. It is alleged that after the *Bhog* a secret meeting was held on the roof of the accused's house, where Randhir Singh organized a plan of attack on Ferozepore arsenal. Approver Sundar Singh (A.M.) tells us that although such a meeting was held the accused was not present there; though he says that the accused was present soon after, when accused Uttam Singh said that a Nihang Sikh could supply weapons for 100 men (accused promising to supply 3 men from Gujarwal). He started with Uttam Singh and (23) to see the Nihang Sikh. It is not stated who this Nihang Sikh was. The same approver further says that the accused joined the gang of raiders at Mullanpur on the 19th July.

Approver Bhagat Singh confirms the previous approver in respect of accused joining at Mullanpur.

He adds that on the 11th March he went to Narangwal to Mastan Singh (68) and inquired about Nand Singh's arrest. He knew nothing about it and referred him to Harnam Singh, with a warning not to go direct to his house, but go to accused's house (which is outside the village) and send for Harnam Singh there for enquiry, which he did. The entry dated 11th March in his diary states that it rained the whole day, and in it he put-down a Kala Singh along with Jagat.

Udham Singh of Hans is another witness testifying against the accused, to him the accused was fetched by Surjan Singh (89) (page 197, line 13) for the Ferozepore raid.

It is fact not to be overlooked that the accused was once released after his arrest (P.Ws. 47, 49, 288) Why Because Bhagat Singh did not implicate him first. On the contrary, he told the police the accused was not a *Ghaderite* (see his statement).

P.W.'s 43 and 44, page 204, line 8, are produced to corroborate the holding of a secret meeting. P.W. 43 alleges he anonymously reported the accused's name to the Police, and also told it to P.W. 45, who noted it in his pocket-book. P.W. 44 alleges that he heard the harangue by Randhir Singh on the roof of the house.

It is true P.W. 45 did note the name of the accused in his pocket-book but it was only at the instance of P.W. 43. I cannot believe that the harangue could have been audible to P.W. 44. Unless he took special care to hide himself, the very object of a secret meeting would have been frustrated if the men on the roof saw anybody near about. I think P.W. 44 is overshooting the mark, when he says he heard the talk from the roof of his house.

I do not doubt a conference was held by Randhir Singh on the roof of the accused's house; but I cannot believe that a man who got up a *Bhog* for the safety of his brother would be instantly transformed from a loyal citizen into a seditionist without any reflection or predisposing cause. The approver Sundar Singh (A.M.) is nearer the mark when he says the accused was not present at the secret meeting which was engineered by Randhir Singh.

At page 213, line 3, Udham Singh, approver, says he does not remember whether he identified the accused at the first, second or third round in Jail Parade.

I would have had no hesitation in believing approvers, but the alleged conduct of the accused is to my mind irreconcilable with his anxiety for his money, which was by no means a small amount. There is reliable evidence that the accused was hanging about the Post Office on or about the day of the raid. The memory of the Postmaster may fail as to precise date, but he is clear that the accused was anxious about his money orders, which he received within a few days of the date of the raid. Are we to believe that he was interested in bringing about a revolution at a time when he was so deeply concerned about his near relations in the Front, and when he was expecting a large amount of money saved by him during his stay abroad?

I am inclined to the view that P.W.'s 43, and 44 are not well disposed towards the accused. They, suspecting something seditious taking place on the roof of the accused's house, reported the matter to the police with a hope of some credit for the service.

At any rate, there is element of doubt in this man's case. From his appearance the accused looked a respectable and elderly person. I do not believe that the accused was one of the raiders. As already remarked Bhagat Singh did not implicate him at first; Udham Singh is not sure that he identified him at first sight; Sundar Singh says accused was not present at the secret meeting. Under these circumstances I would give him the benefit of doubt and **acquit** him.

SHEO NARAIN,
Special Commissioner

The 30th March 1916.

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34. Jaammu, son of Wasao, Bahashti, of Waltoha, District Lahore, aged 25 (by trade a water-carrier):—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 612), is not a returned emigrant. He was arrested on 18th September 1915.

He was identified on Jail Parade by approver Natha Singh (simply as a man whom he had seen at Khairon). In Court the same approver, who could not name him, identified him as a man he had seen at the Jhar Sahib. Approver Sundar Singh (W.G.) did not identify him either on Jail parade or in Court-though he has stated that accused's name is entered in the Khairon note-book, Exh. P. 1, and that accused took part in the attempt on Sarhali *thana*.

Beyond what he said at the time of identifications, approver he Natha Singh has nothing about this accused.

P.Ws. 165, 166, 167-men of accused's own village-give vague evidence about seeing this accused with co-accused Nos. 56, 49, 88 and 94 together leaving the village (presumably, on their way to the Jhar Sahib)-one of these witnesses, P.W. 166, admits that accused was suspected of stealing his mare. (There is admittedly an error in the printed record, i.e., instead of witness being suspected of theft of accused's mare, accused was suspected of stealing witness's mare).

P.W. 168 (Sub-Inspector of Waltoha) states that he arrested accused on the strength of the note-book, Exh. P. 1, the information of the above witnesses and the information afforded by 2 co-accused. He admits that he has two or three times arrested accused on suspicion of theft; but says that be is not a *badmash* on No. 10 Register.

We have also to take into consideration against this accused the confessions of the co-accused Labh Singh of Waltoha and Sultan Shah. The former mentions him as starting off on a proposal to loot Tarn Taran or Sarhali Police Station; as at the Jhar Sahib; Khairon; Sarhali; being threatened into going on and finally getting away. The latter confession mentions accused as one of those at Khairon.

Accused's statement is at page 433. He cannot suggest why it should be said that his name is in the Khairon note-book; denies all allegations against him; and says that accused Mangal Singh of Waltoha is his bitter enemy (i.e., that he could not have even been in a gang with him).

The accused produced no defence witnesses.

His Counsel has pointed out that Sundar Singh (W.G.) never identified

accused; but that approver only wrote down names given him, and approver Natha Singh was able to identify him. It is pointed out that accused is a *Muhammadan*; but so is accused Sultan Shah, and there were all sorts of men at these gatherings. He is implicated in 2 confessions (no doubt, retracted). We are not prepared to believe that the Police dragged him into this case simply because they "were tired of him as a *badmash*."

It is, however, most probable that he joined in with no very clear knowledge as to what was expected to happen; and that he was taken along to swell the gang. He is only a water-carrier, and has been 6 months in custody.

We are, therefore, doubtful if the accused had any idea of waging war, and we think that most probably he had no thought of anything but robbery somewhere.

It is also possible that he was raked in to the Jhar Sahib as a man who might be useful, without any purpose being disclosed to him, and we prefer to take this view of his case.

He is however guilty under section 202 for not disclosing what he learnt at the Jhar Sahib; and we convict him under this section; but considering the time he has already been in Jail we think it will suffice to sentence him to 6 months rigorous imprisonment, which we do.

35. Jassa Singh, son of Natha Singh, of Jhar Sahib, Police Station Tarn Taran, District Amritsar, aged 19 (he is probably over 20 years):—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 613), is not a returned emigrant. He is the brother of accused *Bhog* Singh; and lives at the Jhar Sahib. He was arrested on the 15th September 1915; and on the 20th he made a statement to a Magistrate-which statement does not amount to an admission of any offence. He was arrested on 17th September 1915.

He was identified on Jail Parades by the following approvers and witnesses:— Natha Singh, Surain Singh, and 15 Jagat Singh. In Court by Natha Singh, Kala Singh,15 and 172.

Approvers Sundar Singh (W.G.) did not identify him either on Jail Parade or in Court; and Surain Singh (who has stated nothing against him) did not identify him in Court.

Approver Sundar Singh (W.G.) stated that he saw accused at the

Jhar Sahib on the night of November 23rd, when it was dark; and the witness cannot say whether accused was present at a previous meeting, or not. There would, of course, be nothing extraordinary about accused being at the Jhar Sahib on any occasion; and we are only concerned with the question whether the circumstances under which he was present on any occasion are proof of guilt.

Approver Natha Singh states that accused was present at the Jhar Sahib on the night of November 26th, 1914; when accused helped to feed the persons assembled. He had no talk with accused; and did not mention his name to the Police till he identified him.

Approver Kala Singh tells us that accused was present at the Jhar Sahib where Lal Singh of Bhure (Lahore Conspiracy Case) told the witness that Channan Singh had agreed to join the *Ghadr*; but says that accused kept quiet during this discussion. Accused took his turn at reading out at the Jhar Sahib during several days a *Ghadr* pamphlet brought by accused Balwant Singh absconder. Accused was present there when accused Gujar Singh read out the *Ghadr* and preached; and when Lal Singh of Bhure brought there 25 *dhangs* for *chavis*, and gave one Sandhi, *badmash*, Rs 10 to get them fitted. Witness affirms that accused served food to the assembled conspirators on the night of November 26th (this in corroboration of approver Natha Singh). Accused was present at a subsequent discussion about the abortive attempt on Sarhali *thana*. The witness gave the accused 2 *chavi* blades to keep; which accused subsequently produced to the Police from a manure-heap in the witness' presence. Witness states that he informed the Police of what Santa Singh of Mari had told him about a sword and a knife being with accused and his brother. In cross-examination, the witness said that accused did not lecture, but only served food; and there was nothing to indicate that this witness wished to press the case against accused.

P.W. 15 (Jagat Singh of Bhure) helped Lal Singh of Bhure to take food to the Jhar Sahib for conspirators, and saw accused there (the witness's statement to a Magistrate is Exh. P. 24).

P.W. 172 corroborates that accused fed men at the Jhar Sahib; and P.W. 305 (of Bhure) of says that accused was there when Lal Singh (Lahore Conspiracy Case) took the witness there and talked sedition.

P.W. 156 states that he was present for a very short time about the middle of *Katak* at the Jhar Sahib when accused Bogh Singh read out seditious literature to this accused, approver Kala Singh, Lal Singh of

Bhure and others. The witness, however, does not assert that accused took any part in the readings.

P.W. 115 is Sub-Inspector of Tarn Taran; and states that he reported on December 1st, 1914, regarding meetings at the Jhar Sahib. On 14th September 1915 he arrested approver Kala Singh and as a result of Kala Singh's statement this accused on the 15th produced the *chavi* (Exh. P. 25 A.B) from a manure-heap. The witness states that accused himself gave information that his brother, accused 5 Bogh Singh, had knowledge of some swords — which were recovered. In December 1914, and May 1915, when the Police made enquiries about meetings at the Jhar Sahib, accused denied all knowledge of them, though the information was confirmed by local *lambardars*. P.W. 117 corroborates re the discovery of Exh. 25 A.B.; and signed the *fard* Exh. P.87.

This is the evidence against this accused. In his own statement to a Magistrate he, to some extent, corroborates that evidence; though he does not incriminate himself. He asserts therein that it was Kala Singh himself who, in his presence, produced 2 *chavis* from the manure-heap. He says that he heard of a meeting held at the Jhar Sahib in his absence at Shekh village. He admits that Lal Singh of Bhure gave him a copy of the *Ghadr* newspaper to read; it was only with him for a very short time before Lal Singh took it back; and he only read it out to Lal Singh because Lal Singh made him do so.

The confession of accused's brother (co-accused Bogh Singh), though it goes to corroborate many of the facts spoken to by witnesses, does not tend to incriminate accused, but goes to support his story that accused was absent on religious duties at another village when conspirators were fed at the Jhar Sahib.

Accused's statement appears at page 433. He says he made a statement to the Magistrate at the instance of Inspector Harkishan Singh, but as a matter of fact, it is entirely exculpatory. He denies all knowledge of Jhar Sahib Gatherings, and admittedly appeared in the last conspiracy case as a Defence Witness (No. 119) for the notorious Lal Singh of Bhure (Lahore Conspiracy Case). As regards the *chavis*, he says that it was really Kala Singh who got them out of a manure-heap.

His defence witnesses are D.Ws. 2 to 9 inclusive and 107. The first batches are as to character; and also say that they heard of no meetings at the Jhar Sahib. D.W. 107 is to accused's absence from the Jhar Sahib, engaged in reading a *path* at the neighboring village of Shekh.

Defence Counsel's argument was on the same lines as for accused 5 Bogh Singh and we adopt our remarks thereon. We see no reason to doubt the prosecution evidence; but we think it very probable that accused was much at the mercy of the conspirators, and was very probably under the influence of his elder brother and men like Lal Singh of Bhure.

The offence committed by the accused may possibly come technically under the category of abetting the waging of war, but we have decided to convict only under sections 121-A and 124-A; and in view of the very minor part played by accused and the probability that he was under the influence of his brother and Lal Singh we sentence him **to six months' rigorous imprisonment**.

Jawand Singh

36. Jawand Singh *alias* Lachhman Singh *alias* Lachman *alias* Punjab Singh *alias* Ram Chand, son of Narain Singh, of Nangal Kalan, Police Station Mahilpur, District Hoshiarpur.

[Absconding. Subsequently convicted and sentenced to death in 4th Supplementary Conspiracy Case. — Eds.]

37. Jindar Singh *alias* Rajindar Singh, son of Mangal Singh, of Chowdhriwala, Police Station Ghiranda, District Amritsar, aged 27 (Doodhadhari):—

[Jail escapee, who got seriously hurt while jumping from the Jail wall and was re-arrested from a nearly spot along with Hira Singh. — Eds.]

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 615), reached Colombo on October 25th, 1914, by the Mashima Maru. He was interned on 12th July 1915.

He was identified on Jail Parade by the following approvers and witnesses:— Sundar Singh (W.G. — "came with me from Shanghai; and saw him at the Sarhali assembly"). Balwant Singh (who saw him in Shanghai), Umrao Singh.

In Court by Sundar Singh (W.G.) Balwant Singh did name him; but connected him with the Jhar Sahib).

We shall have later to consider the confessions of two co-accused as affecting him.

Approver Sundar Singh (W.G.) states that accused at Shanghai gave accused Gujar Singh 20 dollars for "the cause"; and promised to come himself to India when he had received his gratuity. He was at Tarn Taran *Masya* asking about the date for a rising; and, later, the witness finds him at the house of one Sohan Singh of Tharu, and tells him that the date has been altered to November 23rd, 1914. Accused complains that Gujar Singh and his party have done nothing; and says that he and others of Tharu will form their own party, interview Bhai Sohan Singh and other emigrants, and fix their own date; but eventually agrees to be at the Jhar Sahib on November 23rd. He attends the assemblies there on that date and on the 26th; is entered in the Khairon note-book (Exh. P. 1); takes part in the abortive attempt on Sarhali *thana*; and goes on to the house of the Dhun *zamindar*. This approver was not cross-examined.

Approver Balwant Singh (who called him "Rajindar Singh") states that accused left the Shanghai Police in order to join the *Ghadr* cause; and returned on Nidhan Singh (L.C.C.)'s ship i.e., the Mashima Maru. At Madras accused formed one of the Nidhan Singh's Party to the *Hazur Sahib*. About 1½ months after his enlistment the witness meets accused visiting a relation Wadhawa Singh in the Lines of the 23rd Cavalry at Lahore Cantonment-but, according to the witness, accused's visit there was not for *Ghadr* purposes.

This witness, also, was not cross-examined.

P.W. 15 (Jagat Singh of Bhure) cross-examined, simply stated that he first saw accused at the Jhar Sahib; and next in Court.

P.W. 184 (cross-examined) says that he does not know whether accused left Shanghai on leave. On the Mashima Maru accused was on a different deck from that on which the witness and Nidhan Singh were. The witness tries to make out that he heard no *Ghadr* lectures on that boat; and that a Captain Bruce kept an eye on those on board as far as Colombo. However, we have abundant evidence as to the seditious proceedings on the Mashima Maru; and we can only suppose that this witness, besides being probably anxious to help accused, also desires to safeguard himself against suspicion.

Accused is mentioned in the confessions of co-accused Kesar Singh and Thakar Singh of Thatian. The former mentions him as on Nidhan Singh's ship (the Mashima Maru); in connection with Thakar Singh of

Thatian; at Lal Singh of Bhure's house; Khairon; Sarhali; Dhun and the riverside. The confession of Thakar Singh is corroborative; and he implicates accused in helping to collect men, corroborating Kesar Singh.

Accused's statement commences at page 435. He asserts that he returned to India on six months' leave, on account of his father's illness. He admits going to the *Hazur Sahib* after reaching Madras; but not with Nidhan Singh (L.C.C.); and from there to Amritsar. He denies the allegations against him; says he was restricted to his village and never absented himself and that he was arrested there, and taken to Simla, where he was shown to several approvers. He supports the absurd story of certain other accused that nothing objectionable could have taken place on the Mashimu Maru, because of the presence on board of a Captain Bruce.

The accused has called several witnesses in defence and questioned some produced by other accused. We must see D.Ws. 36, 87 to 90 inclusive 111 and 620. The first gives him a good character; and so do the next batch, who say he never left his village D.W 111 could say nothing of value; and D.W. 620 only made a bare assertion that accused came to India on leave.

There is no documentary evidence of leave granted by the Police Department; and, according to approver Balwant Singh (Who was not cross-examined), accused left the Shanghai Police in order to join the *Ghadr* movement. He was, probably, one of the persons activated by Nidhan Singh (L.C.C.). Even P.W. 184, who was obviously biased in his favour, was unable to say that accused came on leave. Approver Balwant Singh has certainly not said that accused was visiting the 23rd Cavalry Lines for *Ghadr*; but accused himself has not explained why he went there.

We are unable to agree with his Counsel's suggestion that accused has really done nothing; though his activities, perhaps, were not great.

We are satisfied on the evidence that this accused came to India on the Mashima Maru for the purpose of waging war; that on arrival in India he associated with other revolutionists, and joined in the armed Jhar Sahib - Sarhali array; and we accordingly find him guilty of waging war under section 121, Indian Penal Code, and **sentence him to transportation for life and forfeiture of his property liable to forfeiture; but in view of the fact that his activities were not great, and that he himself is an emaciated and weakly individual, and could not have been of much use, we recommend him to mercy, and that the penalty of forfeiture be not enforced. — 7 years**

38. Kahan Singh, son of Sarup Singh, of Hassanpur, District Ludhiana, aged 32:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 617), is returned emigrant. He was arrested on 14th June 1915.

He was identified on Jail Parade by the following approvers and witnesses; Sundar Singh (A.M. "seen his several times at Bhasaur, and with accused Randhir Singh"), Udham Singh of Hans, Bhagat Singh, Anokh Singh (who called him "Harnam Singh"), and said he had seen him at Ferozepore, Sucha Singh and Umrao Singh.

In Court by Sundar Singh (A.M), who merely said he had often seen him about, but knew nothing about him in connection with the present case; Bhagat Singh. Udham Singh of Hans, 342 (student), Sucha Singh, 49 (student) and approver Umrao Singh (by name).

Approver Bhagat Singh's statement simply amounts to this, that, so far as the witness knows, accused did not join the *Ghadr*; but, like the witness, was detailed by the Police in May 1915 to assist in the arrest of *Ghadr* men.

Approver Udham Singh of Hans tells us that, after the failure of the proposed attack on Ferozepore, he met accused and Dewa Singh (L.C.C.) at Basaur, who advised him to mend his ways; told him the Police were after him; and offered to take him to the Superintendent of Police of Ludhiana and get him a pardon. The witness says that at the same time they told him to make no mention of accused Randhir Singh and his party at Ferozepore, but only to mention "one or two names". Some 2 days after this the witness goes to accused's village; and accused and Sajjan Singh, *Lambardar* of Rurka, take him to the Sub-Inspector of Dehlon on March 20th 1915. In cross-examination the witness denied having met accused at Bilaspur; and was unable to say whether accused lived with Dewa Singh (L.C.C.). Witness admitted that Dewa Singh told him that accused was a Police spy; and that accused and he (witness) worked together for the Police.

Cross-examined, P.W. 47 (the Sub-Inspector of Dehlon referred to above) denied that accused had ever reported to him himself; but sent some information through Sajjan Singh, *Lambardar*.

P.W. 295 (of Badowal) states that accused, approver Jowala Singh and another man cooked food at his house a year ago; and that he identified accused at Ferozepore. The witness was able to point out Jowala Singh in Court.

P.W. 342 Sher Muhammad, student of the "Islamia School," Ludhiana, merely says that accused came with Dewa Singh (L.C.C.), and stayed one night. It was the only time the witness saw accused; and there was no conversation.

P.W. 349 (Jaimal Singh, student,) states that he lived in the "Islamia School" with approver Sucha Singh; and that accused and Dewa Singh (L.C.C.) used to visit there. Sucha Singh, he says, did not tell him about accused; and he states that accused prior to his arrest was suspected of being a Police spy.

As can be seen from the above recital of these witnesses' evidence, the prosecution can gain very little from their statements; and the case against this accused really rests upon the evidence given by the two following witnesses.

The first is Sucha Singh, approver, whose story runs as follows. In November 1914 he happened to meet accused upon an *ekka*; and the accused told him that the true facts about the present war were not given in the newspapers, but that he had a paper which gave the true news. On the witness's assuring accused that he was not in the Secret Police, the accused showed him a copy of the "*Ghadr di Gunj*", which the witness has identified as Exh. P. 245. A day or two later, accused came to the school boarding-house, and told the witness that the paper was concealed in his fodder room at his village of Hassanpur. The witness went there and got it; read it; became incensed against Government; and took it to his school. There he read out verses to fellow students Sher Muhammad and Gaimal Singh (Jaimal Singh himself mentions Page 361-that he saw such a paper with Sucha Singh in November 1914); and he and Kirpal Singh commenced to make copies of it; and the witness gave the paper to Kehr Singh (L.C.C.) and Dewa Singh (L.C.C.). The day that the witness brought the paper should be kept carefully and that a rising would soon take place. The witness goes on to say that he met accused talking with the conspirator "Amli;" and that Dewa Singh and Dalip Singh (the dead approver) joined them at Bela Singh's *chaubara*. There Dewa Singh and accused told them that 75,000 rifles had come from Germany to Bengal; and

accused praised Kartar Singh (the prominent young miscreant of the Lahore conspiracy case-since hanged), whom the witness at the time did not know. It was also arranged to warn the approver Nawab Khan; and accused and Dewa Singh spent the night at the boarding-house. Soon afterwards, the accused at Bela Singh's sent the witness to take approver Umrao Sigh to the approver Dalip Singh (deceased). The witness gave Dalip Singh a bottle of phosphorous in accused's presence; and accused and Dalip Singh asked the witness to buy mansal and sulphur. Later, the accused told witness that he had made over 3 seers of mansal to approver Umrao Singh; which Umrao Singh afterwards confirmed. The witness further tells us of accused's coming to the boarding-house on a bicycle and telling Kartar Singh (L.C.C.) and others that he can take no further part in their schemes because *Lambardar* Sajjan Singh is watching his movements. The morning after the Mansuran dacoity, the accused arrives in the more than doubtful company of the "Doctor" and Lal Singh of Bhure and others; and the witness gives accused some details of that dacoity. In Cross-examination this witness admitted that a relation of his is married in accused's village; but stated his ignorance as to whether accused was on bad terms with the villagers. Accused was the frequent companion of Dewa Singh (L.C.C.).

Only accused's mother was present when the witness went in November and got the seditious paper from his house. He saw accused at the boarding-house the day of his own arrest-when the witness's uncle was also present. The witness asserts that it was after accused's arrest and release that accused was suspected of being a Police spy; that suspicion, no doubt, having been engendered by the fact that accused had been released from custody.

The approver Umrao Singh, who identified accused in Court by name gave corroborative evidence to the effect that accused and Dewa Singh (L.C.C.) brought mansal to Mangla near Jhabewal where materials for bombs were ground. He further testified to seeing accused at Bela Singh's shop with Sucha Singh approver and Dewa Singh, when Nidhan Singh (L.C.C.) sent the witness to fetch a bottle of acid (compare Sucha Singh's statement). In cross-examination this witness admitted that Dalip Singh, the dead approver of the L.C.C., was his first cousin; and that Dalip Singh after his arrest, told him that Dewa Singh, Lal Singh and accused were in the Secret Police. He admitted

that accused was with him in Anarkali *thana*.

Now, it is difficult to see why Sucha Singh should have invented his long and detailed statement against this accused, which Umrao Singh corroborates to some extent; and if we believe this evidence, this accused has been guilty, amongst other offences, of the wickedness of deliberately poisoning the minds of young students. His case is very similar to that of Dewa Singh (L.C.C.) his associate; and, though it is possible that he may have to some extent, attempted to "run with the hare, and hunt with the hounds," there appears no reason whatever to believe that he was really a Police spy, whom the Police are now endeavouring to get implicated in a false case.

Accused's statement commences at Page 436. He denies being also known as "Harnam Singh;" and, denying the allegations against him, asserts and this is his case that he was in reality a Police spy. It does not appear, however, why the Police should have been anxious to drag in their own man; and there is no proof of counsel's assertion that accused fell out with certain Police officers. The accused, in his statement, admits living at times with Dewa Singh (L.C.C.); and, in answer to question 8 makes a half admission of the truth of one of approver Jawala Singh's assertions. He makes out that he sent various reports to the Police as a spy.

Exhibit D.9 is obviously of no use to accused. It is a *ruqa* from an inspector of Police authorizing accused to try and find a clue to certain murderers of *Zaildar* Chanda Singh (whose case was disposed of by this court), but the document bears date of 10th May 1915.

For the defence we have to see the answer to interrogatories of Bela Singh, shopkeeper (Page 826); and the statements of D.Ws 389 (Mr. Waite of the Police), 399 to 405 inclusive, 605, 897, 898 and 912. Bela Singh admitted knowing this accused, Dewa Singh (L.C.C.), approver Sucha Singh and the deceased approver (L.C.C.) Dalip Singh as ordinary customers; but he denied that they ever assembled at his place; and very naturally denied knowing anything about approver Umrao Singh and the bottle of acid. Mr. Waite states that on January 16th, 1915, accused was produced before him in Ludhiana and witness recorded his statement to the effect that Dalip Singh had told him of the purchase of bomb material, and that he himself had attended Badowal meeting. He told Sajjan Singh, *Lambardar*, that he would try to collect information; and was let go; but the witness says he never employed

accused, nor regarded him, as a spy. D.W. 399 is Sajjan Singh, *Lambardar*, who produced accused (and Udham Singh of Hans approver introduced to him by accused) before Mr. Waite. This witness shows clearly enough that accused was merely "running with the hare, and hunting with the hounds"; accused's information was never full, and was usually late; and no arrest was made in consequence of information supplied. D.W. 400 (the writer of Exh D 9) also says that accused never supplied any useful information; and his evidence relates to information given after the date of that *ruqa*. D.Ws. 401 and 405 inclusive have said what they could for accused; two of them trying to make out that approver Sucha Singh's relations got accused implicated out of revenge. D.W. 605 (brother of accused) says policemen often visited accused's house. D.W. 897 states that accused started a loyal Society. D.W. 898 (a pensioned sepoy) supports re accused's loyalty; and recollects (curiously enough) traveling in a train on the 19th February, when he did not see at Mullanpur this accused nor any men dressed in black. D.W. 912 (a pensioned Jamadar-really accused Randhir Singh's witness) says — "I advised the accused to assist in catching political offenders." This sort of evidence carries no conviction.

Defence Counsel, amongst other things, urged that accused was a Police spy, who mixed with *Ghadr* men to entrap them; and that accused invented excuses page 357 to get away when anything was really going to occur. He urged that accused was implicated because he fell out with Police officers; again, simply because he was looked on as an incompetent spy; and ended by saying that accused did start in November 1914 as one of the *Ghadr* party, but that, later, his ideas changed and he became a Police spy. This latter suggestion is nearer the mark; but we cannot take counsel's view of it.

Counsel for the Crown has pertinently asked why this accused, for instance, did not get Nidhan Singh (L.C.C.) entrapped; and whether a Police spy would have deliberately seduced Sucha Singh approver? He urges that this accused was the originator of the trouble among the youths of Ludhiana.

On the view we take of the evidence against this man we are of opinion that the case is very similar to that of Dewa Singh (L.C.C.); and for similar reasons **we convict him under section 124 A, I.P.C., and sentence him to 4 years rigorous imprisonment.**

39. Kapur Singh , son of Chanda Singh of Kaunke, Police Station Jagraon, Ludhiana.

Kapur Singh

[Case withdrawn. Discharged. — When he was 14 years old, a student of eighth class, joined the Ghadr movement. He was sent for trial in Supplementary Lahore Conspiracy: He was arrested along with Arjan Singh (2), Bir Singh (5) of this case and Buta Singh of Akalgarh of Ludhiana (Hanged in Nangal Kalan Murder Case) from a Gurdwara at Village Chitti, District Jalandhar on 6th June 1915 under dramatic circumstances (For details please refer to The Kapurthala Raid, Vol. I pp. 282-288). Case for attending the meeting to raid the Kapurthala Tragedy on 5th June 1915 for looting arms, ammunition and money but charges could not be proved against him and he was discharged. He passed his matriculation in 1919 and took his diploma in Civil Engineering from Hewlet Engineering College, Lucknow. He married Chattar Kaur in 1920. After a prolonged illness, he expired in March 1976. — Eds.]

40. Karam Chand, Kohli, son of Ganesh Singh, of Remgarh Street, Amritsar, aged 45:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 619), arrived in India (he says from Singapore) on the 9th August 1915. He was employed in the Railway at Shanghai; and the complaint was mistaken re Hong-Kong. He was interned on 19th August 1915.

He was identified on Jail Parade by the following approvers and witnesses:— Mula Singh, Attar Singh of Tharu, and 304 (at a second attempt).

In Court by approver Jawala Singh, who was doubtful about him at the parade, and said he thought he had seen him at Shanghai; and as the Court was rising pointed him out, saying that he knew him as the *Babu* whom he had seen in Shanghai. It is only fair to the accused to note that

this accused is easily distinguishable from the other accused in Court by the kind of cap he wears; and that on the second occasion when Jawala Singh spoke about identifying him, the accused had resumed the wearing of that cap. Approver Mula Singh admittedly knew accused before.

Approver Sundar Singh (W.G.) states that accused used to receive letters from America from the notorious Gurdit Singh of *Komagata Maru* fame which accused Gujar Singh used to read out; and that Gujar Singh told the witness that accused had received a letter from the notorious Sohan Singh (L.C.C.) from America to the effect that he was returning to India to raise a mutiny. This evidence of course does not show whether accused were a willing recipient of such letters; and the value of the statement is discounted by the witness' admission that he did not know accused by sight.

The next witness is P.W. 140 (Dip Chand); who states that accused was Might Station Inspector in Shanghai when the witness was Travelling Ticket Inspector. He assert that the accused received bundles of the *Ghadr* newspaper which he used to distribute to others, and recite himself; and that accused was dismissed from his employment upon Police complaint. We view the statement of this witness with grave suspicion; especially, since he admitted in Cross-examination that the accused had reported to the General Manager of the Railway against the witness's brother on a charge of sodomy with a Chinese boy. Other points elicited in cross-examination appeared unsatisfactory; and the witness admitted that, after his return to India on the 18th May 1915, he was himself restricted, and was questioned as to what he knew when he presumably, came out with his story against accused.

P.W. 142 (formerly Assistant Jailor at Amritsar) made notes (*vide* Exhs P 9) A, 95 A, small note, and 95 B translation) of conversations with this accused in September and October 1915. The notes do not appear to be particularly incriminating; and the original pencil notes are not forthcoming. The witness admitted that accused had complained to the Jail Superintendent about the supply of milk.

We cannot say that the statement of P.W. 304 impresses us much either. The witness, a watchman at Shanghai, who only identified accused at his second attempt on Jail Parade; and not in Court: states that "a person called Kohli gave him a *Ghadr Parcha* from a rickshaw, and urged him to join against the British, which the witness refused to do. (Certainly, a peculiar method of proselytizing) He goes on to say that

accused and others lectured at Shanghai; and that Buta Singh was twice beaten for trying to stop them. This witness admitted that he, too was restricted on his return to India; and that he only volunteered information when a *parwana* reached his village (Sur Singh) enquiring whether any one could identify "Kohli".

Approver Jowala Singh (whose identification of this accused we have already remarked upon) has stated that accused used to receive and distribute the "*Ghadr*" paper at Shanghai. In cross-examination, he stated that he did not mention accused in his previous statement because he did not then know that accused had returned to India. He knew him in Shanghai as "Karmu Mul" with a house near the Railway Station. He only once saw accused distributing the "*Ghadr*" — outside the *gurdwara*-when accused gave him a copy, which contained an account of *Har* Dyal, having to give security. This witness says that Consul at Shanghai threatened accused with deportation; and denies that accused got him (the witness) into trouble for drunkenness. Now, though we see no reason whatever to doubt the main facts of this approver's evidence; it must be admitted that he himself is anything but a person of unblemished character.

The really important witness, so far as this accused is concerned, is approver Mula Singh. He tells us that he stayed with accused in Shanghai; and that Nidhan Singh (L.C.C.) visited the witness there. Before sailing the witness "sometimes" talked *ghadr* with accused. On October 1st, 1914, accused brought 6 pistols and 600 cartridges, saying that they had been given by "a friend" of himself and Nidhan Singh for use in India. The pistols were automatic pistols. On October 2nd the witness made them over to Nidhan Singh on board the Mashima Maru; and, fearing arrest, returned to accused's house. On October 13th, the witness took Kashi Ram (Ferozshahr murderer) and Ram Rakha (absconding in L.C.C.) to accused's house, where they put up until they sailed on the 15th for Colombo. Cross-examined (Page 340), the witness says that accused gave him the pistols at his house; the witness thinks in 3 cardboard boxes. The witness cannot give the name of the maker; nor opened the boxes when he made them over to Nidhan Singh. Accused gave them to witness of his own accord-not at the witness's request. In examination-in-chief the witness, at page 334, stated that at the time of Nidhan Singh's visit he had not spoken to accused about "his mission:" and on page 340 he states that, at the time when accused gave him the pistols, he had "not communicated his revolutionary designs" to accused. The witness then

goes on to say that "he had no talk with accused re revolution — never heard him suspected during my stay in Shanghai — don't know if he was thought a traitor or a tale-bearer to Mr. Pope." He says that accused occupied the upper portion of a house in Shanghai; and some tailors the lower portion. The witness denies that he ever went to Pekin with Kanshi Ram; or that accused ever suspected him in connection with accused's Chinese servant.

Accused's statement commences at Page 438; and, according to it, he was for 4-5 years in Railway employ at Shanghai; and returned to India when the staff was reduced. He denies all allegations against him; and suggests that Sundar Singh, approver, invented the story about accused Gujar Singh's reading out letters-and in this connection we must bear in mind that Gujar Singh was a more likely person than this accused to have a letter from the notorious revolutionist Sohan Singh of Bhakna (being of the same village); and that it may have suited Gujar Singh to make out that the accused was the recipient of such letters, especially if he had any suspicious about this accused. The accused in his statement admits that he used to receive the *Ghadr* newspaper in Urdu *gratis* almost every week for 2 or 3 months (we know they were sent out broadcast and *gratis*); but says that he only showed them to his superior officer, Mr. Pope, General Manager, who used to send him on to Captain Barrett of the Police. (These two gentlemen accused has been unable to produce; Mr. Pope being, apparently, somewhere in England or France.) He asserts that his services were terminated with a 3 months' bonus; but of this we have no proof. He admits harmless talks with the Jailor witness; and says that he knew approver Jwala Singh at Shanghai as a *badmash*. He admits that approver Mula Singh put up with him for a few days (alleging his misbehaviour with accused's Chinese servant); and says that Nidhan Singh (L.C.C.) did visit his house to enquire about some papers which accused had returned to their original trustee. He denies that Nidhan Singh, Ram Rakha or Kanshi Ram ever put up at his house. He asserts that he has been implicated because the leaders of the seditionists knew that he used to report to Mr. Pope.

His Supplementary written statement appears at page 446. In it he reiterates his remarks about approvers Mula Singh and Jawala Singh, and how he used to give Mr. Pope Information. He refers to his loyal services during the Chinese rebellion, for which he was awarded a medal by the Chinese Government at the instance of the British authorities.

The defence Exhibits are Exhs. D. 3, 4, 11 and 12. The first is a certificate from Mr. Pope; and the second is accused's service-book. D 11, dated 29th April 1914, concerns a grant to accused of the Chinese medal of the "Excellent Crop" for services rendered; and D. 12 purports to be a letter dated 10th February 1915 (i.e. a date long after the commencement of the *Ghadr* campaign) from the Deputy General Manager to the effect that accused's services have terminated "on account of reduction in the foreign staff."

The defence witnesses are D.Ws. 70 to 72 inclusive, 111 and 534. The first three give accused a good character, and speak of his domestic troubles. D.W. 111 says nothing of value. The last is Diwan Som Nath, Magistrate, who said that some accused had complained that the Police had pointed out men on Jail Parade, but that this was not so.

Counsel for the defence was told that we unanimously ruled the evidence of the prosecution witness Dip Chand out of consideration. He asked why accused should have distributed newspapers to illiterate men like Hari Singh and Jwala Singh; and as regards the remark in Exh. P. 95A — to the effect that accused used to hand the "*Ghadr*" paper over to his Indian brethren — he pertinently urged that a man of accused's education would not have been such a fool as to give himself away to an Assistant Jailor with whom he was not on the best of terms. He drew attention to Mr. Pope's writing of accused as a "loyal British subject", but we cannot agree with him that no one knows what happened to Nidhan Singh's pistols. We believe them to be those which Nidhan Singh had in false-bottomed buckets (*vide* approver Jwala Singh's evidence), and that they were afterwards used in the Ferozshahr murders. Counsel has urged that Mula Singh used to have a liquor shop near accused's house, and went to him as being a Punjabi and of the same district. He has pointed out that Mula Singh is uncorroborated re the pistols.

We have considerable doubts as to the guilt of this accused. Dip Chand is, in our opinion, a false witness; and the evidence of the other prosecution witnesses does not seem to us convincing. We do not attach much weight to the allegation about Mula Singh and the Chinese servant; but it may be true, and accused has had no opportunity to produce Mr. Pope, or witnesses from abroad. Mula Singh's statement is obviously not satisfactory; and we do not understand why Nidhan Singh was not given the pistols in Shanghai. Accused has certainly produced some documentary evidence in his favour, and there is the possibility that

accused may have incurred the enmity of leaders of seditionists (of whom Mula Singh was one) by giving away information to officials.

In-short, there is a considerable doubt, to the benefit of which accused is, of course, entitled.

We acquit him of all the charges framed against him.

41. Karam Singh, son of Sundar Singh, of Kotla Ajner, Police Station Khanna, District Ludhiana, aged 25:—

Karam Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 621), is not a returned emigrant. There is a considerable volume of evidence produced against him. He was arrested on 28th August 1915.

He was identified on Jail Parade by the following approvers and witnesses:— Sundar Singh (A.M.), Anokh Singh, Ichhar Singh, Indar Singh of Khanna and 227. In Court by Sundar Singh (A.M.), Udham Singh of Hans, Anokh Singh, Mt. Nihal Kour, Teja Singh of Samrala, 27, 227 and 317.

Approver Narain Singh admittedly could not identify him.

This accused was the absconding accused No. 40 in the Lahore Conspiracy Case.

Approver Sundar Singh (A.M.) has a very long story about him, which runs as follows:— The accused was one of the workers in connection with a Girls' School, etc., started by the witness and P.W. 317 Ichhar Singh and others at Lohatbadi some 2 years back. About a month after the annual Sikh Conference at Jullundur, the accused comes to the witness' village (Ase Majri), and says that a resolution should be passed at the annual meeting of the Gurmat *Khalsa* Dewan (witness' institution) at Lohatbadi to send a resolution to the Viceroy about the *Rikabganj Gurdwara*; and goes with the witness to Lohatbadi, where a small meeting fixes a date in *Har* for the aforesaid annual meeting, in order to pass the resolution. On the date fixed accused is one of some 500 persons assembled, who passed resolutions re (1) *Rikabganj Gurdwara*, (2) the proposed filling up of the Santok tank, (3) the filling of the Durbar Sahib tank at Amritsar from the canal instead of from the Water Works,

and (4) the suggested ex-communication of *Sirdar* Sundar Singh Majithia and Sardar Bahadur Arur Singh of the Golden Temple. Accused was present at another meeting in *Asuj* at Khanna, where similar resolutions were passed, and at an annual meeting at Chamkor Sahib, along with the witness, accused Randhir Singh and others.

None of the aforesaid meeting was revolutionary in character; but the witness tells us that at Chamkor Sahib the accused Randhir Singh told him and accused of a secret meeting held at Ludhiana, re the *Rikabganj Gurdwara*, and said that men were coming from America, and that arms were expected from Bengal; and it was decided to obtain "suitable men" at the annual meeting at Fatchgarh Sahib (Sirhind), whither accused and the witness proceed with Randhir Singh. Later, the witness finds accused (whom he has described as his friend who usually lived at his house) at his (the witness') house in Ase Majri, and both of them go to Patiala to meet accused Kartar Singh and Indar Singh, absconder, and with those persons to Kala Singh to get arms, and the witness buys an iron-hilted sword for Rs. 5 Later, the accused comes with accused 17 Gandha Singh (sentenced by us to death in the Ferozeshahr murder case) to approver Ichhar Singh's *chaubara* in Lohatbadi on approver Narain Singh's camel with 5 swords, a dagger and a gun from the witness' house in Ase Majri; and attends a discussion re the making of cartridges and gunpowder. Accused was present at a meeting about School matters on the 17th *Magh*, and afterwards at a *Ghadr* meeting where approver Ichhar Singh again suggests the Jhaner dacoity; and himself starts for that dacoity (which took place on January 29th, 1915) armed with a sword. During that dacoity gold and silver ornaments of the loot are made over to accused, who goes outside the village to wait, but makes off, and is found early next morning at Lohatbadi Gurdwara, and returns with the witness to Ase Majri. Next day the witness sends accused to Sangrur to get back Rs. 180 given by the witness to Indar Singh, absconder, and accused Kartar Singh, in order to buy another gun. The accused returns next day (i.e., about January 31st) saying that accused Kartar Singh wants the witness to go to Patiala, as it has been arranged to buy cartridges from a State Magazine at Rs. 10 per 100. Accused is sent by the witness to Lohatbadi to see what the Police are doing about the Jhaner dacoity, and returns saying that Nidhan Singh (L.C.C.) and others are making bomb materials, and that he had offered his help to break up glass bottles (for use on bombs), but that all there had dispersed on account of the Police.

Accused 17 Gandha Singh used to spend the night at accused's house. About the 10th *Phagan* the accused, witness and accused Uttam Singh buy for Rs. 4 in Patiala one brass and 2 white metal *garwas* for making bombs (*vide* Exh. P. 38). Accused, witness and accused Gandha Singh and Uttam Singh attend the *Granth Sahib* recital at Gujarwal at the house of Ram Singh Reservist, taking the 3 *garwas* with them; and at the secret meeting held after it accused Randhir Singh says that much work is being done in regiments, and that the date for a rising will soon be announced. After the arrest of approver Narain Singh and Ichhar Singh, accused and accused Uttam Singh say they will go on making bombs at the house of Nand Singh of Kaila (L.C.C.) or Chuhar Singh of Lill; and take over the 7 *garwas* lying at Ram Singh's house. Accused visits the witness (the same day as approver Udham Singh), and says that the Secret Police visited Gujarwal, so he has joined Randhir Singh's party at Dhandhari; that Kartar Singh of Soraba (L.C.C.) had come on a bicycle to Randhir Singh at Dhandhari, and communicated a date, probably February 19th, for a rising which was to take place at Lahore, Pindi, Ferozepore and all over India; that Randhir Singh had been spreading this information; that all were to assemble at Ferozepore Cantonment for a rising to start at midnight; and that there was no need to take any arms, as the Native Regiments there would supply them. Accused also told the witness that Randhir Singh wished men to assemble by small parties. This conversation, the witness says took place on February 17th or 18th, and that he identified Kartar Singh of Soraba (L.C.C.) afterwards in the Central Jail, Lahore. The witness goes on to say that he and accused, after calling at Patiala to fetch accused 42 Kartar Singh, went on via Khanna and Ludhiana to Ferozepore. After the failure of the proposed attack there accused, witness and Gandha Singh accused leave by Goliana station for home. About Febrauary 22nd, on hearing that Indar Singh absconder's house has been searched, the accused hides with witness in a jungle; and tells witness that the Maler Kotla Police have searched witness's house and taken away his two sons. The witness concludes by stating that accused was sent to Nabha to see Randhir Singh, who advised caution.

Now this is a very long and very detailed statement; and what is the cross-examination? The witness states (P. 164) that he cannot remember if accused was on the School Committee; that accused attended a *bhog* at his house; and that when the *amrit* was given to witness' son and grandson,

accused was one of the *Panj Piaras*.

Approver Udham Singh of Hans says that accused was present at Lohatbadi meeting where the Jhaner dacoity was proposed, along with approver Sundar Singh (A.M.), accused Gandha Singh, the Anarkali murderer, "Amli" Ram Rakha and Hari Singh (who was identified by witness in the Lahore Conspiracy Case). This witness corroborates the last witness that accused left with others for that dacoity; and returned after midnight with gold and silver ornaments. About 18th February the witness meets accused at Patiala Station, who tells him that he attended the meeting at Dhandhari, where Kartar Singh (L.C.C.) gave Randhir Singh and his party *Ghadr* flags; and that several persons there were opposed to the idea of a rising , but that Randhir Singh persuaded them to join, for which rising the 19th had been fixed and the troops would join in. Accused and witness then go to the house of Sundar Singh (A.M.). Witness asserts that accused was present at the reed jungle assembly at Ferozepore on the night of February 19th (with regard to this incident, the witness added accused's name in our Court).

There was no cross-examination of this witness.

P.W. 27, Indar Singh of Khanna (Page 165), gives corroborative evidence that accused was present at Gurbachan Singh's *path* at Dhandhari, and at the secret meeting held after it when Randhir Singh (according to the witness) announces that a "Desh Bhagat" (the witness thinks, Kartar Singh of Soraba) wants every one to go for an attack on Ferozepore Fort. In cross-examination the witness states that he himself was arrested on 24th or 25th October; that his wife (P.W. 39) was present at identifications in Ludhiana, and spent the night with him in the *Thana*; but he denies that he was ill-treated by the Police. He corroborates that accused was one of the "*Panj Piaras*" at approver Sundar Singh (A.M.)'s *amrit* ceremony (Page 166).

P.W. 39, *Mussammat* Nihal Kaur, who identified accused in Court, has said that he went on with her from Ludhiana to Ferozepore when she went there searching for her husband (the previous witness) (Page 214).

P.W. 10, Teja Singh of Samrala (Page 216), corroborates that accused was present at the secret meeting at Dhandhari; and that he and Sundar Singh (A.M.) approver got on to the train at Ludhiana for the Ferozepore attack. The witness admits that he owed accused Rs 3; but says he repaid it. Accused, he and P.W. 27 were 3 of Sundar Singh (A.M.)s' "*Panj Piaras*".

P.W. 226 (of Patiala) is produced re the sale of 3 *lotas* like Exh. P 38. He says that 3 men came, but can only identify approver Sundar Singh (A.M.)

P.W. 227 is the son of approver Sundar Singh (A.M.). He states that accused Gandha Singh, Khem Singh and another came on a camel; and that accused made over to them arms which had been with his father, and left with accused Gandha Singh. His father and accused returned from Lohatbadi; and later left with Khem Singh for a proposed attack on Ferozepore Fort. Cross-examined, witness said that accused had worked at his father's house, but denied that his father had any buffalo of accused.

P.W. 282 (who was a master of the Lohatbadi Girls' School) gives corroborative evidence that Sundar Singh (A.M), accused, P.W.Ichhar Singh and others were at a meeting one day prior to the Jhaner dacoity. The witness saw a wooden box in the *dharmsala* there with swords in it. Cross-examined, the witness says that he left Lohatbadi after arrests had been made there; he never heard accused say that he ought to be dismissed from the school; but he did support P.W. Ichhar Singh in a dispute with accused about some money brought by Dharm Singh for the school.

P.W. 15, approver Narain Singh, corroborates that accused took part (unarmed) I the Jhaner dacoity; and was entrusted with loot. He admittedly could not identify accused, whom he only saw on that one occasion at night; but states that approver Sundar Singh told him accused's name after he (the witness) had made a statement to the Police.

P.W. 317, Ichhar Singh, states that accused, Dharam Singh, Sundar Singh (A.M) and others asked him to start a girl's School; which he agreed to do, and financed it. There was a squabble with Dharm Singh for not giving accounts of money collected in the *Bar*. Witness goes with Sundar Singh (A.M) and accused to Patiala to accused Indar Singh, absconder, and accused Kartar Singh; and Kartar Singh says he can make cartridges and get 2 guns. Accused returns with the witness, and accused Gandha Singh asks the witness to give Indar Singh Rs.10 for materials for cartridges; and accused leaves with Sundar Singh (A.M.). On 17th *Magh* there is a meeting about school affairs; and after it a letter is brought from accused Randhir Singh. The letter has been identified by the witness as Exh. P. 172 A; it simply makes Randhir Singh's excuses for not attending. This witness also corroborates re the secret meeting about the proposed Jhaner dacoity; and about accused's starting for it, and returning with loot (along with "Amli"), which is made over to

witness. Accused and Sundar Singh (A.M.) then go to Atalgarh, witness giving them Rs 95 to get a gun. In cross-examination, the witness admitted that accused sided with Dharm Singh in the squabble about school accounts; and that accused wanted the office and Secretary of the institution to be at Maler Kotla. He admitted borrowing a tent from accused, which he did not return; but disclaimed any quarrel about the matter, and added that the tent did not belong to accused. We fail to see any good reason to believe that this witness concocted his story, which is corroborated in various details by other witnesses.

Accused's statement will be found at page 440. He makes a general denial of all the heavy allegations against him; and says that from *Sawan* to *Magh* he was working at a place called Kala Jhar and afterwards for 6 months at Phagrana. He denied Sundar Singh (A.M.)'s allegation that he "usually lived with him;" but says he once worked there for about 2 years. He denies that Randhir Singh talked seditiously after a non-seditious meeting at Chamkor Sahib; and admits that he went to Fatehgarh Sahib, though he denies that there had been any decision about looking for "suitable men" there.

His defence witnesses are D.Ws. 430 to 440 inclusive and 883. The first 11 witnesses are mostly from the Patiala State villages of Kala Jhar and Phagrana; and they give him a good character, testify to his having *bhogs* for the victory of the British arms; and generally attempt to support his story that he was away working in other villages for months, and so was not forthcoming when wanted. D.W. 883 (one of accused Randhir Singh's witnesses) simply pointed out accused as a man whom he had not seen at the *bhog* at Dhandhari.

The Crown Counsel has pointed out that accused has not been charged in connection with the Jhaner dacoity as a dacoity (because not in British territory); but the Jhaner evidence has been led in connection with the offence if waging war. He a point out that accused was an associate of accused 98 Uttam Singh; and contents himself with saying that there is a heavy case against this accused.

This is true; and accused's Counsel could say but little for his client, pointing out that some approvers did not identify him on Jail Parades; and again arguing re the date of Anokh Singh's and Kartar Singh's (Lahore Conspiracy Case) visit to Dhandhari, in so far as it affects this accused. As has been said in other individual cases, we have settled the matter of the date of that visit elsewhere in this judgment; and the argument

has no force.

We are satisfied the accused was an active revolutionist took part in procuring arms and munitions during the progress of the war, and procuring materials for bombs, was one of the men in the Jhaner dacoity, attended the Dhandhari meeting and was present in the Ferozepore raid.

We accordingly find him guilty under Sections 121 and 395, Indian Penal Code, and **sentence him to transportation for life, and direct that all his property subject to forfeited to the Crown.**

[As per *Ghadr Directory* 1934, "Behaviour in jail bad. Was not given the benefit of Royal Amnesty granted to political prisoners on account of his complicity in the murderous and revolutionary activities of 1915-16. Was finally released on 24 October, 1932 subject to restriction to his village for two years. — Eds.]

42. Kartar Singh, alias Narain Singh, son of Bishan Singh, *goldsmith* of Patiala, aged 25:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 623), is not a returned emigrant. Accused himself asserts that his name is Narain Singh, and that he never is, nor has been, known as "Kartar Singh." The evidence produced against him is very similar to that given in the case against the preceding accused Karm Singh. He was arrested on 30th September 1915.

He was identified on Jail Parade by the following approvers and witnesses:— Sundar Singh (A.M.), Bhagat Singh (who pointed him out, and asked him to unloosen his beard, which accused refused to do) and 227. In Court by Sundar Singh (A.M.) who said that accused was also known as "Narain Singh", and 227.

P.W. 317 failed in Court to identify this accused.

The accused, like Sundar Singh (A.M.) is a *Tat Khalsa Sikh*; and that approver mentions him first as at a meeting in *Poh* at the Chamkor Sahib Gurdwara. Accused Karm Singh and the witness visit this accused and Indar Singh of Patiala absconder at Patiala to get arms; and all four go to Kala Singh, from whom the witness buys a sword for Rs 5. Later, the witness goes with P.W. Ichhar Singh and Indar Singh, absconder to accused's house; Ichhar Singh says that he wants a gun, and that a bomb-making party should be formed; accused agrees to make cartridges; and all return to Lohatbadi. Later, accused and Indar Singh, absconder, visit

the witness and make over three swords and a dagger bought through Kala Singh, and say that Kala Singh can provide a gun for Rs. 35. Witness goes to Patiala and meets accused and Indar Singh and gives the latter Rs. 35 to buy the gun. Next day, accused and Indar Singh bring the gun, but no cartridges; and accused says he will make some. They tell witness that Kala Singh can obtain two more guns; and witness gives them Rs. 180 out of School funds (part of Rs. 285 deposited with witness out of Rs. 400 collected in the *Bar* by Dharm Singh and others). As they do not return, witness goes to Patiala, and finds accused has gone to Sangrur (so Indar Singh, absconder, says) to buy a gun. A few days later witness again goes to Patiala, and finds that accused and Indar Singh, absconder, have gone to Lohatbadi (apparently, in response to a letter from P.W. Ichhar Singh, saying that Randhir Singh would attend a meeting there re the Girls' School). Accused was not present at the discussion at Lohatbadi re the Jhaner dacoity, and witness heard that he had been sent to witness' house to fetch swords and arms. Accused, however, attends a meeting at Ichhar Singh's *chaubara* re the marking of cartridges and gunpowder; and himself offers to make cartridges; and goes to Sangrur with pieces of brass (brought by Indar Singh, absconder) to make them with the help of his *father*. At Patiala Indar Singh, absconder tells the witness that he has made over Rs. 100 out of the Rs. 180 to accused's father for purchase of a gun. Indar Singh and accused 17 Gandha Singh visit the witness and tell him that 15 *tolas* of gold from P.W. Ichhar Singh have been made over to accused. Accused is one of those summoned by Randhir Singh to Gujarwal, and goes with Indar Singh, absconder, to the house of Ram Singh, Reservist, taking the white metal *garwas* got in Patiala. Later, the witness visits Indar Singh absconder, and accused at Indar Singh's house in Patiala; and they tell him that the 15 *tolas* of gold have been sold in Patiala at a reduced rate, but the money has not yet been paid. The witness asks about the Rs. 180; and they try to put him off, telling him that Rs. 100 have been given to accused's father, and Rs. 20 to Kala Singh of Patiala; but eventually Indar Singh makes over Rs. 50, and the witness tells them to arrange to buy other arms. Soon after, accused and Indar Singh, absconder, come to witness with three swords and a 5-chambered revolver; and say that some belts obtained have been hidden because they were watched when leaving Patiala. Accused, and a man whom witness saw in the Central Jail, went to Patiala and retrieved the bundle of belts. On 19th February

1915 the witness, on the way to Ferozepore, calls for accused at Patiala; but finds he has left the previous day. Accused joins the train with Randhir Singh at Mullanpur. After the failure of the Ferozepore plan, accused leaves with Randhir Singh and his party; and about February 22nd he warns the witness that Indar Singh absconder's house has been searched by the Maler Kotla Police; and conceals himself with the witness in a jungle. Next day he is sent by the witness to Randhir Singh to find out what is happening.

Now, this is a very long and detailed statement, but what does the cross-examination of this witness amount to? (*Vide* Page 163). The witness (like several others) denies that he was ever shown any photograph of this accused; or that accused's girls were ever pupils at the Lohatbadi School. He did not enquire the price for which the 15 *tolas* of gold had been sold. He visited accused at his old shop (Page 201). There is certainly nothing to be got out this in favour of accused.

The prosecution witnesses Nos. 47, 54, 220, 278, 287, 301 and 10 — that is to say several Police officials including Mr. Scott,-all deny that they have seen photographs of this accused.

P.W.226 (of Patiala) corroborates re the sale of 3 *tolas* like Exh. P. 38 to 3 men; but could only identify approver Sundar Singh (A.M.) as one of the three.

P.W. 227 is the son of that approver; and remembers accused and Indar Singh absconder bringing a pistol and some belts; also 3 swords. To the Police this witness gave up the belts, the swords (Exh. P.40 A.B.)and the pistol (Exh. P. 39). He says that his father gave accused money for arms. Cross-examined, he could state nothing of any real value.

P.W. 317 Ichhar Singh gives corroborative evidence to the effect that the accused, Karm Singh and Sundar Singh (A.M.) visited accused and Indar Singh at Patiala; where accused said he could make cartridges, and could arrange for 2 guns. He returned with the witness who gave Indar Singh Rs 10 for cartridge materials; and accused Indar Singh and accused 17 Gandha Singh left with those materials. Indar Singh tells the witness that cartridges can be got through accused's father at Rs 10 per 100. This witness in cross-examination admitted that he could not identify accused in court (he was obviously not anxious to identify any one); and did not know whether accused was referred to in the cipher note-book, Exh. P. 171, which cipher (he says) he and this accused Indar Singh,

absconder also of Patiala, agreed on. Some explanation regarding the cipher given by this witness will be found at the top of Page 324, and the words "*Unis ke tyari*" (readiness for the 19th, are significant).

Accused's statement commences at page 446. He has all along asserted that he is known as Narain Singh; has never been known as "Kartar Singh;" and that this is a case of mistaken identify. He denies all the allegations against him; and denies all knowledge of the cipher (Exh. P. 171) which was found on search of Indar Singh, absconder, on the 22nd February 1915 (*vide* P.W. 311). The cryptic words in it — *Garrbe Banaune* — were explained by witness Ichhar Singh as meaning "to make jars for big bombs." Accused states that he was arrested on different occasions by the Patiala and Jind Police, but was released after reference to the Police authorities in British territory; that the British Police saw his account-book and returned them, as no entries re gold transactions were found; and that he has probably been mistaken for some other Kartar Singh.

The defence witnesses are D.Ws.' 677 to 683, 726 to 752 inclusive and 1043. The first batch are Jind State witnesses, who assert that accused has never been known by any other name than that of Narain Singh; and that he used to have a shop at Sangrur, Jind State, but some 6 years ago set up as a goldsmith in Patiala.

D.Ws.' 726 and 727 are Jind State Police officials who knew of accused as Narain Singh. They admit that accused's *photograph was taken during investigations*; and we have it along with certain correspondence which will be mentioned later. Their evidence, which is somewhat lengthy, need not be discussed in detail, and will be found at page 788; but the gist of it is that "Kartar Singh, son of Bishan Singh" was at first wanted by the Police; that enquires from Bishan Singh appeared to show that his 2 sons were called Sukhdev Singh (*vide* D.W. 739) and Narain Singh; and that correspondence with the Punjab Police later intimated that "Narain Singh" was not required. The reason for this will appear hereafter. The remainder of this batch of witnesses give unconvincing evidence to prove that accused's sole name is "Narain Singh;" that on the 19th February (8th *Phagan*) he was in Patiala; and that at the end of January (about the time of occurrences at Lohatbadi) he was in Sangrur (*vide* D.W. 736 druggist). D.W.'s 741 and 752 assert that accused is not a *Tat Khalsa Sikh*. D.W. 739 is Shibdev Singh (of Sangrur, now of Patiala), brother of this accused. He gives evidence to

corroborate other witnesses re accused's being ill about the 6th *Phagan*, and about the same time making ornaments for D.W. 743 which were delivered on the 10th *Phagan*. He produces deeds to show that accused was known as "Narain Singh." Cross-examined by prosecution counsel, the witness admitted that he himself had taken the *Pahul* (and he was wearing the steel wristlet or Kara before us in Court); but he actually denied knowing whether his brother had taken the *Pahul*, though saying accused was not of the *Tat Khalsa*.

D.W. 1043 (wrongly entered at Page 828 as D.W. 1041) is the Inspector-General of Patiala Police. He stated that one Narain Singh alias Kartar Singh (he could not identify accused in Court) was arrested; but was released as he was not then wanted by the Punjab Police. The witness refers to the telegram dated 21st April 1915. He does not recollect seeing any photograph of accused; but refers to another telegram of April 26th, 1915 (the time of starting of the Lahore Conspiracy Case) from the Superintendent of Police, Ludhiana, to the effect that accused was not wanted in the Lahore Conspiracy Case, not being a British subject. The answer to interrogatories of Sardar Bahadur Sardar Singh, Chief Minister of Jind State, will be found at page 827, and require no discussion here.

Exh. D. 47 consist of 3 prescriptions put in to support the story of accused's illness; and Exh. D. 49 of deeds, etc, to prove that accused's name is "Narain Singh." Exhs. D. 46 and 73 (with photograph) consist of correspondence with State Police.

We are not in any way impressed with Defence Counsel's argument that there has been any mistake of identity. Approver Sundar Singh (A.M.) and his son were able to identify him both on Jail parades and in Court; and the former knew him by both names. There is no evidence produced whatever to show that there is some other person, "Kartar Singh, son of Bishan Singh, of Patiala;" and in our opinion, the explanation re the official correspondence is clear enough. It is urged that Ichhar Singh witness failed to identify; but he was none too willing a prosecution witness and is only said to have seen accused twice. Counsel admits that Sundar Singh (A.M.) did not invent a false story out of enmity, but says he invented it because be knew that some "Kartar" Singh was wanted; and he says that he does not suggest that the photograph was shown to witnesses in order to tutor them, but that having seen it they said that accused was not the right man. We cannot accept the suggestion.

The Crown Counsel, whilst urging that there is a heavy case against this accused, has explained the correspondence clearly enough. The State officials were at first informed (in reply to their information that a "Narain Singh son of Bishan Singh" was forthcoming), that this accused was not wanted, for the reason that the prosecution knew that he was not a British subject, and, at the time of the correspondence, it was not known that any offence had been committed by him in British territory.

The accused, not unnaturally, has endeavoured to turn these happenings to his own advantage; but we are in no doubts about his case ourselves, and we think the Crown Counsel is probably also correct in suggesting that in the Ghadr party some of the revolutionists were known by their *Tat Khalsa* names in place of their *Amrit* names.

Our finding is that the accused is sufficiently identified as the individual whose actions are testified to by the prosecution witnesses.

We are satisfied that the accused was an active revolutionist, abetted the waging of war by supplying and procuring arms and ammunition during the progress of a war; and, by joining in the Ferozepore raid, committed an act of war.

We accordingly find him guilty under section 121, Indian Penal Code, for abetment of waging war and waging war; **and sentence him to transportation for life, and direct that all his property liable to confiscation be forfeited to the Crown.**

43 Kartar Singh, son of Bamba Ram of Lalton, Police Station Raikot, Ludhiana.

[Absconding. — Eds.]

44. Kehar Singh, son of Naurang Singh, of Burj Rai, Police Station Sirhali, Amritsar.

[Case withdrawn. Discharged. — Eds.]

45. Kesar Singh, son of Mangal Singh, *goldsmith*, of Sur Singh, Police Station Khalra, District Lahore, age 25:—

[Jail escapee, who was seriously hurt when jumping while standing on the jail wall and re-arrested soon after along with four others, namely, Harnam Singh, Lal Singh, Pakhan Singh and Sunder Singh. — Eds.]

This accused, who pleaded "Not Guilty" to the charges framed against

him (page 625), reached Colombo from Shanghai by the s.s. Mashima Maru on October 25th 1914. He was arrested on 14th September 1915; and his confession was recorded the following day by a Magistrate. We shall also have to consider in connection with him the confession of 2 co-accused. He was identified on Jail parades by the following approvers and witnesses:- Sundar Singh (W.G.), Natha Singh, Balwant Singh (saw him at Shanghai), 15 Jagat Singh (pointed him out), and Umrao Singh (thinks he saw him at Shanghai), 177 and 177. In Court by Sundar Singh (W.G.), Natha Singh, Kala Singh, Balwant Singh ("a man of Sur Singh-on my ship"), 15 (not know name-at Jhar Sahib) and Umrao Singh (saw him at Shanghai on Mashima Maru).

Approver Sundar Singh (W.G.) states that he was in the Municipal Police with accused at Shanghai; and that he afterwards saw him at Tarn Taran *Masya* asking the date of the rising. Accused was at the Jhar Sahib assembly of November 26th; entered in Khairon notebook (Exh. P-I), took part in the Sarhali *Thana* attempt and went on to the *zamindar* of Dhun. Corroborative evidence re this accused is also given in connection with Khairon, the Jhar Sahib and Sarhali, and Dhun, by approvers Natha Singh and Kala Singh-the latter of whom in cross-examination said (page 113) that he saw accused also at Tarn Taran, and that he spoke sedition at the Jhar Sahib.

Approver Balwant Singh says that accused left the Shanghai Police for the purpose of joining the *Ghadr* cause. P.W. 15 (Jagat Singh of Bhure) cross-examined, says that he first saw accused at the Jhar Sahib. It will be noticed, of course, that the above witnesses were not cross-examined so as to elicit reasons for their speaking falsely against accused.

P.W. 174 (of Dhun) corroborates that accused was in Dhun in November 1914 with approver Natha Singh; and that one Khanda Singh fed them there. P.W. 177 (*Mahant* of Chamba) says that accused was one of a *chavi* gang near Budda well (Natha Singh's mob).

P.W. 210 (*Granthi*, Kasur) produced a register (copy of entry and translations are Exh. P. 105 A.B.C.) showing that accused and accused Mangal Singh of Waltoha stopped at a *dharmsala* in Kasur on December 1st, 1914. Accused said he had come from Talwandi. (The accused Mangal Singh admitted, on hearing this witness's statement that he did stop there on that date). According to the prosecution, this occurred when people were wandering homewards after the abortive assemblies at the Jhar Sahib.

P.W. 193 (a *lambardar*, states that accused returned to his village

from abroad at Dewali; and was told to report his arrival, but left next day. He returned 10 days later, and was told to go with the *chaukidar* and report; but sold his house and left the village. The witness cannot say whether accused reported himself later (the accused, of course, says that he did report with Sandu *Chuhra* and others in the hot weather).

This accused is mentioned in the confessions (retracted, of course) of co-accused Teja Singh of Bhikewind, Thakar Singh of Thatian and Ganda Singh (15) Nihang. The latter mentions him as at Khairon, etc., and later as one of those who took tickets for Ferozepore. Teja Singh mentions him in connection with Khairon, Sarhali, Dhun and the riverside. Thakar Singh's confession is corroborative.

Accused's own confession to a Magistrate will be found at page 450. All we need say here is that it fully incriminates him, and corroborates various approvers; and that in it accused mentioned that Lal Singh of Bhure had provided him with a *chavi* (*vide* P.W. 177, *Mahant* of Chamba, re the *chavi* gang near Budda well).

Accused's statement before this Court will be found at page 448. He says he returned to India because his parents had died, and there was no one to look after the property; and denies knowing Nidhan Singh of the Mashima Maru. (In his confession he said he returned on account of *Ghadr* influence, and mentioned Nidhan Singh). He says he was maltreated into making a confession. He says he spent some ten days in his village, and then sold his property there (compare prosecution evidence) because he had no woman to cook for him. He denies the allegations against him; says that many of his people have died of plague; and that he was arrested simply because he happened to be a returned emigrant.

This accused produced no defence witnesses.

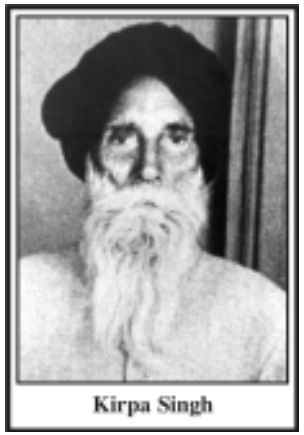
His counsel urged that he was a tool in other people's hands; and that in his confession he said that in India he joined the revolutionists under threats. He does say that he at first refused; but that he joined when accused Jindar Singh (who had come on his ship) visited him.

We see no reason to doubt that he came from abroad to help in the *Ghadr* movement; and sold up his property very soon after his arrival to leave himself more free; but we should not call him at all an important accused. He was one of a mob.

We are satisfied on the evidence that this accused returned to India to subvert Government, that on his arrival he attended fairs seeking orders, and participated in the Jhar Sahib-Sarhali array.

We find him guilty of waging war under section 121, Indian Penal Code, and **sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown. As, however, his part in India is a comparatively minor one, we recommend him to mercy, and that the penalty of forfeiture be not enforced. — 7 Years**

46. Kirpa Singh, son of Jawahar Singh, of Laung Majri, Police Station Anandpur, District Hoshiarpur, aged 27 (Serving Soldier) […succeeded in seducing himself… (Vol. I, p. 188)] :—


Kirpa Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (page 627), was one of the men in the 26th Punjab Infantry.

During the present trial he was removed from the dock for a short time by the prosecution, who wished to test his value as a possible approver-finally, however, deciding on approver Teja Singh, formerly of the same Regiment. He was arrested on 13th October 1915.

The prosecution evidence is, of course, largely the same as was produced in respect of the other accused 26, 48 and 66 of the same regiment, but we must add that approver Anokh Singh, though he described this accused to the Magistrate, failed to identify him in Court.

P.W. 34 Jamadar Buta Singh (26th P.I.) states that accused was one of those who used to attend seditious lectures in Hong Kong Gurdwara (Page 207); tried to get discharged, and was eventually sent to India. Accused 26 Harnam Singh mentioned him to witness as one of those ready for mutiny. The witness, cross-examined, says that accused was in his company at Hong Kong, but was not his friend; and that he (the witness) was only sent to the Depot in India because he quarreled with Subadar Mal Singh. He says that accused was on duty at Ferozepore Hospital when he was dismissed by the Regiment on 19th February 1915.

P.W. 35 (Captain Cargill, 26th P.I.) tells us that accused was one of those who arrived at Karachi with a draft in July 1914; and was one who had either to apply for a discharge, or be discharged compulsorily

(Page 209). He was eventually dismissed by the regiment on February 19th, 1915.

P.W. Bhan Singh told the witness that other men dismissed on the 19th had returned with accused Labh Singh (captured in the lines) on the 20th; but that he was not certain whether this accused had been one of them.

P.W. 36 (Subadar Muaz Khan, 26th P.I) dispatched accused with a ticket in Ludhiana direction on the morning of February 19th.

P.W. 37 Sepoy Bhan Singh (26th P.I.) reported to the Jamadar witness that accused Labh Singh had mentioned this accused as one ready for mutiny. He did not himself see accused on February 20th; but Labh Singh, who returned to murder Captain Cargill and the Jamadar, told witness that accused had returned with him. Witness only saw 3 men in the distance.

P.W. 38 (Mistri Mohn Singh, 26th P.I.) says nothing special about this accused.

P.W. 10 (Mr. Scott), cross-examined, speaks regarding the idea of making accused an approver; and admits that accused said that Jamadar Buta Singh had implicated him and others to save himself.

P.W. 344 (Madho Singh, Head Clerk of the 26th P.I. Depot) states how this accused and the accused 26, 48, 66 and others tried to stir up trouble at Karachi and Ferozepore Depots. Our remarks on his evidence in the separate case of accused 26 apply, and need not be repeated.

P.W. 239 (Luggage Clerk, Phagwara) produces Exh. P. 111, railway-receipt, for accused's bedding, from Ferozeshahr to Phagwara, dated 19th February. Accused took delivery at Phagwara on the 20th.

Approver Anokh Singh (see our previous note re identification) states as follows:— On the 18th February 1915, he and Kartar Singh of Soraba (L.C.C.) visited accused at Ferozepore Military Hospital, where acused was "pretending to be ill" (witness at first said "was ill"). Kartar Singh, told accused that he had come about to business about which he had talked to accused in Hong Kong: and accused fetched accused Labh Singh, and Phuman Singh, and told them that the *Ghadr* would start on the 19th. Kartar Singh gave accused and the others copies of the "*Ghadr Sandesa*" to distribute; and accused puts up Kartar Singh and the witness. Next morning accused is informed that he has been dismissed by the regiment, and will be sent to Jail if he returns to cantonments. Accused then tells Kartar Singh and the witness to make out that they are relations

of his come to enlist; and promises to meet them the same night at the Railway Station. Accused is sent off towards Ludhiana; but they meet him again the same afternoon, accused saying that he got out at the next station and returned; and all 3 go to the station to await the Ludhiana party (Randhir Singh's) expected by the 9p.m. train. On their arrival, accused guides one of the 3 groups to the Rifle Range; and is sent back to the station by Kartar Singh, to await the return of the other dismissed sepoys-and does not return till morning. On the way to the station on 20th, the witness and his companions meet accused. who says that he was arrested by a Military Guard and taken before an officer for trespassing, but explained that he had been detained in Ferozepore to settle up his accounts. He leaves with accused Labh Singh (this point is noticeable), saying that he will join the others next day at Lahore. All that was elicited in cross-examination (Page 248) was that the witness had altogether seen accused for about 5 hours.

Approver Teja Singh, of course, belonged to accused's Regiment; and was originally accused 92 to whom this Court tendered pardon. His story runs as follows:— At Hong Kong in 1914, this accused reads out the "*Ghadr*" to the witness, accused Phuman Singh and others; and the same evening tells them that Jamadar Buta Singh had received the paper from America, and also mentions a proposal to murder Subadar Harnam Singh for making reports to officers. Accused suggests getting men in the Regiment to form a party; and some are won over to the *Ghadr* cause. Accused is sent from Ferozepore Depot to Poona for a signaling course; and on his return is given by Jamadar Buta Singh 2 or 3 copies of the *Ghadr* for another regiment and to read to Hospital orderlies. Ten days after accused's return from Poona, the witness meets him with a stranger, whom accused introduces as his *bhaiband* and sends to the witness' quarters for food; and later, accused tells the witness that the stranger was a *Ghadr* emigrant who had promised to bring some one to teach bomb-making. A few days later accused calls the witness to the Hospitals-quarters, where he finds assembled the Jamadar, Sarda Singh Clerk, and a person who, from his description, appears to have been Pingley (of the L.C.C.); and notes are taken of how to make bombs and the Jamadar is asked to prepare men for a rising, a date for which will be communicated. Accused keeps accused Phumman Singh (in Lahore on duty re Reservists) informed by letter about *Ghadr* matters. This witness adds that accused told him in Jail that approver Anokh Singh and Kartar Singh (L.C.C.) had visited the Lines. Cross-examined, the

witness says that before accused left the dock, he told witness that he had a mind to turn approver and would omit the witness's name. Accused was a signaler, and Jamadar Buta Singh was Signaling Officer; but accused was only under him in Kohat. He denies any enmity with accused; and says that when he offered himself as an approver, he had no knowledge that accused had been declined as such. He adds that it was Jamadar Buta Singh who sent accused to the Ferozepore Hospital, where one of his duties was to record the names of visitors; and that the Jamadar was himself suspected of seditious proclivities.

We, of course, bear in mind the position occupied by this witness before he turned approver.

The accused's statement and supplementary statement will be found on pages 454 and 564 of the record.

He denies all seditious tendencies and revolutionary activities; and accuses Buta Singh and Teja Singh of having falsely implicated him. He admits trying to get his discharge for personal reasons, says he was on hospital duty in Ferozepore on account of ill-health admits his discharge and alleges that the reason he booked his luggage from Ferozeshahr on the 19th February was because the railway officials made him do so, and denies it was with the object of returning to Ferozepore-a thing he denies having done. In his supplementary statement he asserts he was sent back to India in charge of prisoners and not with a view to discharge; and was employed on responsible duties after his return; and asserts that after being first arrested he was let go as he was innocent.

The real reason for his release was a doubt at the time whether he could be indicated before the Civil Courts for acts committed while in military service.

In defence he has produced or examined 20 witnesses called by other accused. D.Ws 696, 697, 699, 700, 958 and 972 depose to his good regimental conduct, and assert he never returned to Lines after discharge. D.Ws. 959,961, 961, 963, 965, 966, 967 and 969 depose to seeing accused on the 19th February far away from Ferozepore, too far for him to have returned that night. D.Ws.960, 970 and 971 (father of accused) depose to accused' s efforts to get a discharge for family reasons; and D.Ws. 962, 963, 961, 966, 968, 971 and 976 give him a good character in his village.

In argument Counsel for defence attacks the regimental crown witnesses; points out that Captain Cargill and Buta Singh do not say

accused tried to induce men to refuse to return to Hong Kong from Karachi, notes accused was out of the dock for a month; and relies on Exh. D. 76, a record which shows accused's father had a case, for help in which he may possibly have wanted accused to be discharged.

He also urges that several witnesses of the Regiment could not be called in defence as the Regiment has gone on field service; and that except Anokh Singh the other approvers do not refer to accused as being in the reeds, and he fails to identify them.

We accept Counsel's contention that the story that accused said he had returned to Ferozepore to kill Captain Cargill is *embroidery*.

Counsel also urges accused would not have tried to get his discharge, had he wished to disseminate sedition in the Regiment, an argument which has little force in it, when we consider there was always a possibility of the regiment going on service; and he finally urges accused was made a *Lance-Naik* on account of good services.

We exclude altogether from consideration the fact that one time accused was thought of as an approver; an there may have been mixed motives for seeking a discharge; but on a consideration of the whole evidence we are satisfied that accused was an active revolutionists in the Regiment, that he was present with Pingley and Kartar Singh, in the Hospital discussing plans; and actually returned after discharge to Ferozepore to participate in the rising of the 19th February.

These acts amount to abetment of war and mutiny and the waging of war, and we accordingly find accused guilty under sections 121 and 131, Indian Penal Code, and **sentence him to transportation for life; and we direct that his property, liable to forfeture be forfeited to the Crown.**

[Expired on 24 July 1974 at Vill. Mirpur Barwa, near Anandpur Sahib, Distt. Ropar, where he had finally settled. — Eds.]

47. Kishen Singh, son of Ghasita Singh, of Thatgarh, Police Station Tarn Taran, Amritsar.

[Case withdrawn. Discharged. — Eds.]

48. Labh Singh, son of Ram Singh, of Chak Wallan Dakhli Kasur, Police Station Kasur, Lahore, aged 30 (Serving Soldier – Returned Emigrant):—

This accused, who pleaded "Not Guilty" to the charges framed against

him (page 628), is another of those accused who formerly belonged to the 26th Punjab Infantry.

He is at present serving a 3 Years' sentence of imprisonment under the Arms Act (date of sentence 9th April 1915). The evidence against him is to some extent the same as that discussed in the cases of accused 26 Harnam Singh and accused 46 Kirpa Singh, and we adopt such remarks as may apply to this case.

P.W. Jamadar Buta Singh alleges that accused attended seditious lectures at Hong Kong (Page 207). He was dismissed by the Regiment on February 19th; but was found next morning in the Lines and was arrested in possession of a *chavi*-handle, of which a Pathan sepoy (not now forthcoming) had snatched the blade from accused. The blade fitted the handle; and appeared to have been recently sharpened. Accused was in the witness' company in the Regiment at Hong Kong, but was not his friend. Bhan Singh (P.W.) told the witness that 3 other dismissed sepoys had returned with accused. The witness denied knowledge that accused owned a gramophone; there was one in the *gurdwara*, but it was not accused's special charge.

P.W. 35 Captain Cargill states that accused was one of the drafts which returned in July 1914, and had either to apply for a discharge or be compulsorily discharged. He was discharged on February 19th; and was captured next morning in the Lines. The witness corroborates re the *chavi* head, etc. Accused admitted to the witness that the stick or handle belonged to him.

P.W. 36 (Subadar Muaz Khan) dispatched accused on 19th February with a ticket in direction of Kasur. Accused did say he wanted to get his clothes from Lahore; but witness did not give him a ticket for that place. He never heard that accused had returned after his dismissal in order to fetch a musical instrument.

P.W Bhan Singh (sepoy of the same Regiment) states that he was told by Jamadar Buta Singh to enquire about emigrants who were believed to be tampering with the men; and he enquired from accused, who said that Kartar Singh (L.C.C.) had visited the Lines; and mentioned certain accused and others. Witness reported to the Jamadar. Accused said that Kartar Singh had been in the Lines one night; and was to be met again in a jungly place. After accused had been dismissed from the Regiment, witness saw him in the Lines; and accused told him he had returned to kill the Jamadar and Captain Cargill; and the witness warned the Jamadar.

Accused had a lathi with him; and said that accused Phuman Singh and Kirpa Singh, had returned with him-but only pointed out 3 men in the distance. Cross-examined (Page 212) the witness denied that he was related to accused.

P.W. 38 states nothing worth mentioning.

P.W. 171 (Inspector Lamacroft, Ferozepore) speaks as to accused's arrest under the Arms Act on February 20th, and the subsequent conviction (*vide* record Exh. P. 101).

P.W. 344 (Madho Singh, Head Clerk) gives general evidence re troubles and incitements at Karachi and Ferozepore Depots; he was not cross-examined for this accused.

Approver Anokh Singh, who described this accused to the Magistrate but failed to identify him in Court, states that on February 18th, 1915, this accused and accused Phuman Singh were fetched by accused Kirpa Singh to Ferozepore Military Hospital; where Kirpa Singh told them that the witness and Kartar Singh (L.C.C.) had come about the business already talked about at Hong Kong, and that next day was the date for a rising.

Accused offered to get hold of the key of the Armoury; and Kartar Singh gave out copies of the *Ghadr Sandesa* for distribution. Accused was dismissed by the Regiment, and dispatched in the direction of Lahore; and, on the morning of the 20th, the witness and his companions meet accused, who complains of not being met at the station the previous night by accused Kirpa Singh, and leaves with Kirpa Singh, promising to rejoin next day at Lahore. Cross-examined (Page 247) the witness says that he only saw accused once by night (when he promised to bring the key) and once by day.

Approver Teja Singh (originally accused 92, to whom this Court tendered pardon), of course belonged to the same Regiment. He says that accused was won over to *Ghadr* ideas in Hong Kong in 1914; but that accused was not present at the meeting at the Ferozepore Hospital at which Pingley and others were present.

The accused's statement and supplementary statement will be found on pages 456 and 560 of the record. He denies all seditious tendencies or revolutionary activities and accuses Buta Singh, Jamadar, of having involved him owing to enmity on account of money due to him. He admits seeking discharge but alleges he desired to resign for family reasons; and while admitting he was found in Lines on the 20th February,

the day after his discharge, he denies having had a *chavi* blade in his possession, and asserts he returned to get some belongings he had left behind. In defence he has produced or examined 10 witnesses called by other accused.

Niaz Ali (D.W. 696), Jai Singh (D.W. 697) and Munshi Singh (D.W. 699) give the accused a good regimental character.

Fauja Singh (D.W. 700) states accused's belongings were left with him in Ferozepore, who heard that accused returned on 20th February to get them; and Labh Singh (D.W. 958) gives evidence of no import.

D.Ws. 1037, 974, 1038, 1039, 1040 depose accused came to his village and stayed there the night of his discharge; and only went to Ferozepore next morning for his belongings.

In argument, Counsel attacks the reliability of the regimental witnesses for the Crown, points out that on return to Karachi the General Officer Commanding did not consider there was sufficient ground to discharge him and relies on the witnesses to an *alibi* on the night of the 19th.

There is little to be said for this accused; he was, we consider, one of the active revolutionists in the 26th Punjabis, engaged in fomenting mutiny; and actually returned to Ferozepore after discharge to participate in the rising of the 19th.

Reference has been made to some alleged discrepancies in Buta Singh's statement in the Arms Case, where we can detect no serious ones; and in any case that former statement cannot be used, and witness was never confronted with it.

The acts committed by accused amount to the conspiring to wage war, abetment of waging war, the abetment of mutiny and the waging of war, and we accordingly find accused guilty under sections 121, 121A, and 131, Indian Penal Code; and we **sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to Government.**

49. Labh Singh, son of Bur Singh, of Waltoha, District Lahore, aged 22:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 630), was arrested on the 18th September 1915. He was brought to Amritsar on September 19th, was sent to Jail on the 21st; was sent for again on the 23rd (page 378); and his confession was recorded by a

Magistrate on September 24th, 1915.

He was identified on Jail Parade by approver Natha Singh (not by name) and P.W. 185. In Court by the same persons (Natha Singh saying he had seen him at the Jhar Sahib) and approver Kala Singh

Approver Sundar Singh (W.G.) did not identify accused either on Jail Parade or in Court.

Approver Sundar Singh (W.G.), however, states that accused's name was entered in the Khairon note-book Exh. P. 1; and that he took part in the abortive attempt on Sarhali *Thana*.

Approver Natha Singh only identified him as "at the Jhar Sahib".

Approver Kala Singh says that he has known accused since the *Ghadr* started; and that he saw him at the Jhar Sahib on November 26th with 2 or 3 other men whom the witness did not know. Cross-examined (Page 113) the witness denies that he and accused were ever in Jail or *havilat* together. (The witness denies that he ever spoke of accused as "Kesar Singh" to the Magistrate; and it was proved to our satisfaction that "Kesar Singh" on the Magistrate's record was an obvious slip.)

P.Ws. 165, 166, 167 (all of Waltoha) met accused along with accused 34, 56, 88 and 94 and others near the village a year ago. The prosecution suggestion is that they were all making for the Jhar Sahib; but the evidence is worth very little, and one of the witnesses says he had had a quarrel with accused. This quarrel is admitted by P.W. 168 (Sub-Inspector of Waltoha), who arrested accused on the strength of the Khairon note-book, the statements of the above witnesses, and the statements of 2 co-accused, 56 and 88.

P.W. 185 is the son of Lal Singh, of Bhure (Lahore Conspiracy Case). He states that a few days after the *Masya* this accused and accused 56 Mangal Singh and 88 Suja Singh and Channan Singh (Walla Bridge murderer) read the *Ghadr* and discussing looting at his father's house. He denies that accused was in the *havilat* with him; and says that he only once saw him with accused 56.

P.W. 360 (Inspector Harkishen Singh of the Criminal Investigation Department) denies that he ever promised accused that he should be pardoned.

Accused's confession to a Magistrate (we bear in mind that it has been retracted) will be found at page 458. It is quite short, and implicates accused as at the Jhar Sahib, Khairon and Sarhali. It is noticeable that he said therein that he and others parted from the persons who went on to

the riverside; and that not a single approver attempts to implicate him after Sarhali.

His statement before us will be found at Page 457. He says his confession was induced by Police ill-treatment; he has never even seen the Jhar Sahib; and that P.W. Channan Singh of Bhure and approver Kala Singh got to know him whilst in custody-the latter getting himself scratched by accused. He asserts that Jhanda Singh and Ishar Singh (Waltoha witnesses) are his enemies; that his nephew has been killed at the Front; and that he himself was unable to walk for 4 months on account of a fall from a horse. He put in a written statement (Page 472) containing further details about this accident.

He relied on (in respect of alleged enmity) Exhs D. 44, 71 and 72.

D. 44-Are pound receipts in respect of cattle, 19th July 1915, on report of Jawahir Singh.

D. 71-Is a case in which Khushal Singh sued Mangal Singh, son of Mul Singh, and others and obtained a decree of his claim on 22nd June 1905.

D. 72-Is a criminal case —

Crown per Jhandoo

Versus

Saudagar Singh, Lal Singh, Goordit Singh, Magur Singh, Kesar Singh, Fattoo, Mehr Chand

The accused were sentenced to imprisonment on the 4th November 1915. These cases need not detain us.

The defence witnesses to be seen are D.Ws. 504, 506, 508, 512, 514, 535 and 646 to 661 inclusive. The first five of these say that accused and accused Suja Singh are on bad terms; the idea being that they could not possibly associate. But even if this were true, it would not necessarily prevent either of them joining a common gang for a common purpose like *Ghadr*. D.W.535 is the Magistrate who recorded accused's confession; and his statement does not disclose that there was anything objectionable about the proceedings. The remaining batch of witnesses are as to character; as to the aforesaid enmity with co-accused Suja Singh; some of them corroborate as to the fall from a horse, and as to accused's relations at the front; and D.Ws. 652 and 653 attempted to treat accused's ankle. The evidence is quite unconvincing; and so were the few remarks made by his Counsel.

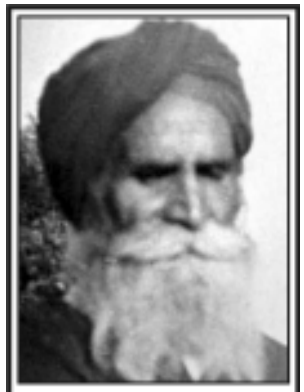
We are satisfied on the evidence that this accused look part in the

Jhar Sahib-Sarhali array, and discussed revolution with other revolutionists. We accordingly find him guilty of waging war under section 121, Indian Penal Code, **and sentence him to transportation for life, and direct that his property liable to forefeiture be forfeited to the Crown.**

As, however, he is a minor person, we recommend him to mercy and also that the penalty of forfeiture, be forfeited be not enforced. — 5 years.

50. Lal Singh, son of Udhe Singh, of Narangwal, Police Station Dehlon, District Ludhiana, aged 28 (Ex-Soldier):—

[Jail escapee, who was seriously hurt when jumping while standing on the jail wall and was re-arrested soon after along with 4 others, namely Harnam Singh, Kesar Singh, Pakhar Singh, Ganda Singh and Sunder Singh. — Eds.]



Lal Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 632), is not a returned emigrant. He was arrested on 1st July 1915.

He was identified on Jail Parade by Udham Singh of Hans and Bhagat Singh (approvers); and in Court by the same two persons (Bhagat Singh at first wrongly identifying accused Attar Singh as him), 40 Teja Singh of Samrala; and 27 Indar Singh of Khanna, who stated that he did not identify him on Jail Parade, "because *his aql told him not to*."

Approvers Sundar Singh (A.M.) and Anokh Singh did not identify him either in Court or on Jail Parade.

Approver Sundar Singh (A.M.) states that accused attended the *Granth Sahib* recital at the house of Ram Singh, Reservist, at Gujarwal, and also the secret meeting held after it. He tells us that, at that meeting, accused Randhir Singh said that much work was being done in regiments; and that the date for a rising would soon be announced. He says that accused was formerly in a Cavalry Regiment; and that he joined the train at Mullanpur, with Randhir Singh's party on the 19th February. Nothing was elicited in cross-examination (Page 163).

Approver Bhagat Singh corroborates on this last point; and both he and approver Udham Singh of Hans say that accused was at the reed jungle assembly at Ferozepore on the night of the 19th.

Approver Anokh Singh states that accused arrived at Ferozepore with Randhir Singh's party; and Bhagat Singh says that he left with Randhir Singh's party from Phemi Ka Kai Station next morning. Both P.Ws. 27 and 40 assert that accused attended the secret meeting at Dhundari held after Gurbachan Singh's *Path* Anokh Singh says that he knew accused before, because accused used to visit the *Khalsa* School with Randhir Singh; while Udham Singh says that accused used not to accompany Randhir Singh to *Akhand Paths* there.

P.W. 47 (Sub-Inspector Haidar Ali) (Page 220) does not remember calling accused to the *thana*; nor remembers accused being brought to Lahore to identify as a witness.

Accused's statement commences at page 459. He says that he was at one time in the 3rd Cavalry; and took his discharge to look after affairs, as his 3 brothers were also in regiments. He denies all allegations; says that he never left his village; and that at the time when he is alleged to have been committing offences, he was engaged on building a house. He urges the loyalty of his family; says that the approvers saw him at the *thana*; and that he has been falsely implicated solely for the reason that he refused to give evidence against accused Randhir Singh and Mastan Singh.

In a supplementary written statement (Page 472) he enlarges on the alleged reasons why approver Bhagat Singh can identify him; on the services of his relations; and, for the first time, alleges quarrels with the witnesses Teja Singh and Indar Singh.

On pages 721, 722 (Exh D 17) will be found certificates of 1911 showing this accused (under the name of Sucha Singh) bore a "very good" regimental character. Exh D 41 (Randhir Singh's letter to another accused) has, of course, been relied on as upsetting the prosecution date for the Gujarwal *Path*. (We have discussed this elsewhere).

The defence witnesses are D.Ws. 168 to 186 inclusive, and 589. Of the first lot of witnesses, D.W. 169 says accused served for seven years as "Sucha Singh". Others give him a good character; and say that he has relations at the Front; and was building a house during February 1915, the work going on for a month. D.W. 174, a pleader's clerk of accused's village, has tried to be specific as to dates. D.W. 183 is the Lal Singh

mentioned in accused's written statement, who says he was arrested the same day as accused; but he is apparently not prepared to corroborate the story about approver Bhagat Singh's traveling in the same compartment of the train. D.W. 589 was a witness for other accused as well, and makes a general statement to discredit the Ludhiana Jail parade identifications of a Mullanpur pointsman; who, however, has not attempted to identify this accused.

Defence counsel could only urge that on different occasions certain approvers and witnesses had not identified accused. This does not look like tutoring; and approver Udham Singh of Hans identified accused in Court and twice on Jail parades. No reason whatever has been suggested why Sundar Singh (A.M.) should be speaking falsely.

We are satisfied on the evidence that the accused was present at the secret meeting at Gujarwal, and participated in the Ferozepore raid. We accordingly find him guilty under Section 121, Indian Penal Code, of waging war, **and sentence him to transportation for life and direct that his property liable to forfeiture shall be forfeited to the Crown. — 10 years**

He is an ex-sowar, and but for that we would have recommended him strongly to mercy, as the part he took was small.

All however, we feel we can do in his case is to recommend his case for consideration and that the penalty of forfeiture be not enforced.

51. Maghar Singh, son of Ram Singh, of Barar, Police Station Lopoke District Amritsar, aged 30 (Spy Kirpal Singh's Co-villager):—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 634), is not a returned emigrant. He was arrested on 17th October 1915.

He was identified in Court by approvers Puran Singh and Balwant Singh, both of whom belong to his village; and others of the prosecution witnesses belong either to accused's village, or to neighboring villages

Approver Sundar Singh (W.G.) identified him wrongly as accused 87 Sundar Singh, in Court; and approver Ganda Singh and Wasawa Singh, did not identify him either on Jail Parade or in Court.

Approver Ganda Singh tells us that soon after the 19th February 1915, at a meeting at the Lahore Cantonment Rifle Range, Lance *Duffadar*

Puran Singh told accused Prem Singh that his brother Fauja Singh and this accused would assist him (Prem Singh) to murder the Police spy Kirpal Singh, that is, that accused was a *mistri* who would repair Prem Singh's pistol for that purpose.

Approver Puran Singh (referred to by the last witness) who speaks of accused as "his old friend", tells us that he met accused in the village and told him of the abortive risings at Lahore Cantonment and Ferozepore. Accused, who is both a carpenter and *hakim*, agreed to join the *ghadr*. The witness's story continued as follows:— Accused offers to teach the witness how to make bombs; saying that he himself learnt from a Bengali in Lucknow; but had forgotten one ingredient (apparently, sulphuric acid), which he had subsequently discovered again from a bomb brought by the Police Spy Kirpal Singh, which he (accused) had opened. (N.B. — *Vide* the evidence re the bomb brought by the spy from Dadher to Lahore). Accused fetches chemicals, and pounds them, and experiments in front of witness and Fauja Singh, at the witness's house; and explains the process of manufacture, saying that all the ingredients save one can be got from the bazar. He gives witness a small quantity of chemicals. The witness afterwards tells approver Wasawa Singh, that accused had taught him to make bombs. The witness corroborates the previous witness by saying that he told Prem Singh that Fauja Singh and accused would point out the Police spy and Bela Singh, *Zaildar*, to be murdered; and that accused could repair the pistol. Later on, Fauja Singh tells the witness that accused has repaired the pistol. Later, it is decided at a Rifle Range meeting that Prem Singh and a man brought by him and called "Arjan Singh" (alleged by the Prosecution to be the absconding accused 71) shall *kill the spy* and *Zaildar* Bela Singh, getting in touch with the spy through accused. A few days afterwards, Fauja Singh tells the witness that he and "Arjan Singh" have met accused re the murder of the spy; and witness thinks that Fauja Singh also said that Prem Singh had also arrived at accused's house. When the witness Wasawa Singh and Fauja Singh visit accused Hira Singh of Charar they tell him that accused can make arms, and should be given pecuniary help to prevent his having to take work in ordinary workshops.

There was no cross-examination (practically, — *vide* page 127) of this approver.

Approver Wasawa Singh corroborates by saying that Puran Singh told him that he had learnt bomb making from accused and his own

brother Fauja Singh. This witness also corroborates as to the suggestion that Prem Singh should seek accused's help in killing Kirpal Singh, spy, and getting his pistol repaired. He also corroborates re accused Hira Singh's being asked to assist this accused pecuniarily and says that Hira Singh said he could send accused to work in his Burma Arms Factory; and would give him a letter to be posted in a special post-box in Burma, which would reach a Burma branch of the *Ghadr* party. Cross-examined (Page 123), the witness states that he has never seen this accused; and adds that Puran Singh spoke of him as a very competent bomb-maker. We are quite unable to see why this witness should have concocted his story so far as the post-box is concerned or how an ordinary man like himself should have invented the item about the special post box; but, so far as accused is concerned, see our subsequent remarks.

Approver *Balwant Singh*, who speaks of him as "*a carpenter and hakim of my village*," states that after his (the witness's) release from arrest, the accused brings him a message to meet Prem Singh, accused, in the village *gurdwara*. Cross-examined (Page 145), the witness says that he does not know that accused treated Puran Singh's wife, and had a quarrel about fees. (The question naturally arises — "Why was Puran Singh himself asked nothing about this?") The witness further says that Kirpal Singh, Police spy, gave evidence in a case about the murder of one Jai Singh, *Mahant*, and that all the accused in that case, including one Sohan Singh, were acquitted. He never asked this accused to put a bomb in Sohan Singh's house. He says that accused told him that Prem Singh was the man whom Puran Singh had sent to him to have a pistol repaired.

P.W. 25 Achhar Singh corroborates as to Puran Singh's telling Prem Singh that accused could repair his pistol. The witness did not know accused before, nor ever went to him.

P.W. 137 states that accused's house adjoins his. During *Chet*, accused brought accused Prem Singh to be put up for the night, and Prem Singh admitted that he had come to *kill the spy*. The witness told accused that such an act should not be committed; to which accused replied that at present there was no chance. Cross-examined, the witness cannot say what part of Chet it was. He admits that accused does a little work as a *hakim*; and says he heard of a dispute about fees on account of Puran Singh's wife. Similarly, he heard of a dispute with Sohan Singh, when accused treated. Accused is a *tarkhan*, not a lohar. Sohan Singh

and Fauja Singh (he says) are on the worst of terms; and the witness admits that he himself would like to see Sohan Singh dead. He says accused left the village after Fauja Singh's arrest and release.

P.W. 199 is Fauja Singh, *lambardar*, of Barar — *cousin of the Police spy*. He states that about *Poh* (probably in *Magh*) he witnessed this accused and Puran Singh making a bomb which was tested. Cross-examined, he admits that he has enmity with Sohan Singh, who got his lambardari suspended; but he does not know whether accused (who does a little work as a *hakim*) treated Sohan Singh. He never asked accused to procure a miscarriage in the case of his relation, wife of the spy's brother; nor knows that Sohan Singh brought Police to enquire into the matter. On the contrary, he heard whilst in Simla that she had died of cholera. He never heard of any intimacy between Sohan Singh and the spy's father's widow. Puran Singh's wife lived mostly with her parents, as her husband was with his regiment.

P.W. 323 (Habib of Madhoke) states that accused in *Chet* showed him a pistol for repairs; telling him he had a license; but the witness could not do such work. Gokal *Brahman* was present.

P.W. 324 is Gokal, who corroborates.

P.W. 360 is Inspector Harkishan Singh of the C.I.D., who tells us that the names of the witnesses Habib and Gokal were obtained from accused himself.

P.W. 186 (a constable of Jammu) arrested this accused at Udhampur in Jammu on suspicion. Accused gave evasive answers; and had no tools with him. Cross-examined, he says that accused at the *thana* said he had come from the Amritsar District; and admits that there is a big timber — yard at Badawal or Badrawah whither at one time accused said he was proceeding.

P.W. 130 (Circle Inspector) searched accused's house on May 28th, 1915. and found empty miscellaneous cartridge-cases (Exh P. 94 B), and phials like Exh. P. 29. The *fard baramdagi* is Exh. P. 94A. In an adjoining house (said to be that if a relation) was found Exh. P. 94 C (alleged to be a rifle cartridge gauge). Accused was chalaned under the Arms Act; but was discharged with a warning by a District Magistrate, apparently under a misapprehension of the Law.

P.W. 131 (*lambardar* of accused's village) corroborates as to the search; and corroborates P.W. 137 on the point that accused left the village on the arrest of Fauja Singh. He says that accused was arrested

for a second time in *Bhadon*. He cannot say whether the cartridges fitted the spy's pistol; and admits that the accused does a little *hakim's* work.

Accused's statement commences at page 460. He admits knowing P.W. Puran Singh as co-villager, but says he is no particular friend (Puran Singh, at Court identification had called him "his old friend)." He denies all allegations of guilt; and says he only knows carpenter's work (i.e., could not repair a pistol). He admits having been twice arrested; but says he had left the village prior to the arrest of Fauja Singh. He admits being arrested at Udhampur in Jammu territory; but denies having given cvasive answers. He admits that the empty cartridge — cases were found in his house, but says they belonged to the *Police spy Kirpal Singh*, who, after pretending to make up a previous quarrel, got him to take charge of them during the spy's absence at Simla as a witness. (This story, of course, is not very convincing). He says that he practices *hakimi*; and that he had many phials of medicines at his house, and that some of the full ones were returned to him by the Police. As regards enmity he says that he was treating one Sohan Singh (the person whom P.W. 137, Bir Singh admitted that he should be "glad to see dead"), and that Puran Singh and Fauja Singh wanted him to put a pistol into Sohan Singh's house, which he refused to do. He says that Kirpal Singh afterwards taxed him with having got Sohan Singh to ledge a petition. Also, that Puran Singh quarreled with him about fees; and that he refused to give medicines to effect miscarriages in the cases of female relations of Fauja Singh and Kirpal Singh, spy.

Exhibits D. 14 A and B are two very illiterate certificates purporting to have been given to this accused by "S. Martini" and "P.D. Samuel', testifying to accused's skill as a *hakim*. They are dated during 1914, Secunderabad. The Government Advocate did not wish to object to their production (unproved); and even some prosecution witnesses have admitted that accused does some work as a *hakim*.

The defence witnesses are D.Ws. 80 to 86 inclusive and 454. The first of these tells us that accused does *hakim's* work; and that P.W.199 Fauja Singh, *lambardar*, and Sohan Singh were on bad terms over a murder case; and accused has been treating Sohan Singh. He also supports the story of the enmity alleged between accused and Puran Singh and Kirpal Singh; and says that accused left the village owing to fear of this enmity. He says that, in the Arms Act case, *Kirpal Singh admitted* having given accused the empty cartridge cases. The record does not disclose

this fact. It is very brief consisting, only of an order of discharge, with reference to a record of a case against one Fauja Singh, which has not been called for. The order of discharge was passed on the bullet, cannot be called arms or ammunition. The remaining witnesses of this batch give corroborative evidence on these points; and it is asserted *that Kirpal Singh, spy was sentenced to 6 months imprisonment for perjury in connection with the murder case*. D.W.454 is to the same effect. D.W 82 is under security for bad livelihood; but it is a point to be noted in favour of accused that there was practically no cross-examination of any of these Barar witnesses.

This accused's counsel has certainly argued his client's case well; and it is *certainly a good point that Kirpal Singh, spy, was never produced to support the story* that accused had rediscovered a bomb ingredient from a bomb in the spy's possession. The evidence of P.W. 137 (who would like to see Sohan Singh dead) does not seem to ring very true; and it is urged that most of the talk about accused's regaining the pistol went on in his absence. The enmity evidence is, of course, urged; and we are not prepared to say that it must be held a together false, while Fauja Singh himself is, most undoubtedly, a blackguard. The *fard barmadagi* of the Arms Act case shows that a considerable number of medicine bottles were found, and there is attached to that record a receipt showing that some of them (presumably, full ones) were, as accused has said, returned to him. Defence counsel has argued that there are some discrepancies as to where Fauja Singh was given lessons in bomb-making; it is not shown that accused has been in Lucknow; and as regards his capacity to repair a pistol, he had (according to the prosecution) to go to P.W. 323 himself to try and get it repaired. It is quite possible that the talk with accused Hira Singh of Charar took place about the Burma Arms factory (it could hardly have been invented); but this accused was not present at it. Counsel urges that the bomb-making lesson really took place on what he calls the "dynamite" occasion; and says that Sohan Singh could not be produced, because he has died. Approver Wasawa Singh could not even identify accused. He urges that his client left the village on account of enmity; and was arrested without any tools because he could have got them at the timber yard where he was going for work. (On this point, though Defence Counsel has not noticed it, we may note in accused's favour the statements of the witnesses for the prosecution who say that they urged Hira Singh, accused, to finance accused lest he

should be tempted to go off and get work elsewhere). We are not impressed with the defence witnesses who have attempted to prove an *alibi* at the time of accused Prem Singh's alleged visit; but we do not think that accused needed such evidence.

Counsel for the Crown had really not very much to urge against these arguments; and our conclusions are that the guilt of this accused is certainly doubtful; it is possible, of course, that he may have been asked if he could repair a pistol; but apparently he could not, and did not, and the other evidence against him is certainly not free from taint.

We give him the benefit of this doubt, and acquit him.

52. Maharaj Singh, son of Nihal Singh, late sowar, 23rd Cavalry aged 25 (Serving Soldier):—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 635), is one of the deserters from the 23rd Cavalry; and is at present serving a sentence of two years awarded him by court-martial.

Nearly all the prosecution witnesses re him belong to his old regiment Approver Kala Singh (who did not attend Jail Parades) failed to identify him in Court. P.W. 112 wrongly identified him in Court.

Approver Mul Singh, *granthi*, states that on learning that accused and three other sowars had deserted to join a rising at the Jhar Sahib, he started to fetch them back.

Approver Ganda Singh states that accused, at Lance-*Duffadar* Lachhman Singh's quarters, made over the sword (Exh P 18 C) to accused Prem Singh now under sentence of death in the Padri murder case. Accused attends a meeting at the Rifle Range when Lachhman Singh announces that the date fixed for a rising is November 23rd, 1914. Accused Sucha Singh tells the witness on November 27th that he intends to go to the Jhar Sahib with this accused and others; and finally, accused and Sucha Singh and Surain Singh, sowar, deserted together. Approver Puran Singh simply mentions the fact of desertion.

P.W. 21 Surain Singh says that sowar Indar Singh told him that accused had agreed to join the *Ghadr*; and accused confirmed this to witness at Lachhman Singh's quarters. Accused attends seditious meetings at the cemetery; and, at the Rifle Range on November 13th he and the witness learn that accused Sucha Singh has got information that the date for a rising has been altered from the 15th to the 17th. Witness corroborates re accused providing accused Prem Singh with the sword, Exh P 18 C.

The witness describes other meetings at the cemetery and Rifle Range at which accused was present; one of them being a discussion at the cemetery on November 26th, at which it was discussed whether those present should proceed to the Jhar Sahib mounted, or on foot. On the night of the 27th the accused deserts with the witness, accused Sucha Singh and Channan Singh; and reach Bhure, where approver Kala Singh feeds them at a well. Kala Singh tells them of the Khairon assembly, and of the intended attack on Sarhali *thana* and Tarn Taran Treasury; and they go to Tarn Taran; but, finding nothing doing there or at Khairon, they go to Dadher, where they meet accused Wasakha Singh. On the 30th they visit the Jhar Sahib and Bhure; and are fetched back to the Jhar Sahib by accused Bogh Singh's servant. On December 1st, accused Bogh Singh fetches them there himself; and it is decided to consult one Saddu, *Pahlwan*; but a warning comes that the police are about; and on December 2nd the accused is arrested in the vicinity of the Jhar Sahib.

P.Ws. 195 and 196 testify as to the arrest of this accused, armed with his cavalry sword. P.W. 194 (*Mahant* of Shahbazpur) states that at the Jhar Sahib he tried to get accused (armed with a sword) and the other sowars to return to their regiment.

P.W. 141 (Risaldar Chaughat Singh of the 23rd Cavalry) speaks as to the desertion of this accused, accused Sucha Singh and approver Surain Singh, of his troop, on November 27th, 1914, with their swords; and he has identified Exh P 18C as the sword of Banta Singh of the regiment.

It need hardly be pointed out how serious might have been the consequences, had a number of men of the regiment been ready or able to follow the example of accused and his companions; and there appears absolutely no reason for doubting the testimony of the above witnesses; from whom nothing to shake their testimony was elicited in cross-examination.

Accused's statement appears at page 462. He admits that he deserted with others from the regiment for which he is serving a 2 years' court-martial sentence); but says that he was intoxicated with *bhang*; and that he had his sword with him, because he always wears it. He did not desert to the Jhar Sahib for *Ghadr*. He denies the other allegations against him, including that of providing the accused Prem Singh (sentenced by this Court in the Padri Case) with the sword Exh P. 18C. He said that he would put in a statement in writing; but none has been put in.

His two defence witnesses D.W's 95 and 96 could say nothing for him. His counsel left him to the mercy of the court; urging that a court-martial had already punished him for the act of desertion, and that he had "really done nothing." We cannot agree with this view; and we do not believe accused's statement. Counsel for the Crown has asked for a sentence of death.

We are satisfied on the evidence that while in military service the accused became imbued with revolutionary ideas; handed over a regimental sword of a fellow solider to Prem Singh, one of the leading revolutionists, attended revolutionary meetings in his regiment; and deserted and went out to Jhar Sahib to join in rebellion. There is no doubt of his guilt, — a guilt which is only enhanced by the fact that he was a soldier.

His actions if they do not amount to an actual waging of war, are clearly acts of abetment or attempt at least, and we convict him under section 121, Indian Penal Code, **and sentence him to transportation for life.**

We also direct that his property, liable to confiscation, be forfeited to the Crown.

We do not pass a sentence of death on him, as we think he was probably acting under the influence of a superior officer who has been executed under order of court-martial.

53. Mahindar Singh, son of Nand Singh, of Dhudike, Police Station Moga, District Ferozepore, aged 38:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 637), reached India (he says from San Francisco and Hong Kong) by the ss. "Kum Sang" on the 11th November 1914 along with accused No. 15 Ganda Singh Nihang. He was arrested on 17th or 18th June 1915.

His statement made to a Magistrate (Page 465) does not amount to a confession; but we shall have to consider later, with regard to him, the confessions of certain other co-accused.

He was identified on Jail Parades by approvers Bachan Singh, Arjan Singh and Nand Singh; and by the same persons in Court. Approver Bhagat Singh and P.W. 58 did not identify him either on Jail Parade or in Court.

Approver Bhagat Singh, however, states that about March 8th,

1915, (this, it must be borne in mind is the witness who kept the diary Exh P 15) this accused gave him Rs. 10 in accused Phera Singh's presence for the purchase of bomb chemicals (*vide* page 177 of record). On March 14th the witness leaves for Ahmadgarh to get chemicals; and buys Rs. 7 worth. He promises to introduce one Channan Singh of Narangwal to accused and others on the 21st at Jitwal railway station, with a view to a dacoity at Ghalib. After the witness' arrest and release, he is taken by accused and accused Pakhar Singh, at Randhir Singh's request, to meet accused Ishar Singh in a jungle; but they fail to find him; and the witness is told by accused that arms are buried there, and asks accused for a pistol, but is told to come on the 31st when the "party will decide" whether he is to be given a pistol. (*Vide* the entry re Jitwal railway station, of March 21st at page 96 of the diary, Exh P 15-page 178 of our record. On March 31st (the entry in the diary of that date, — *vide* page 179 — shows that witness was back in his village). This accused and accused Pakhar Singh warn the witness to make himself scarce; and the same day accused Arjan Singh warns the witness that accused suspects him and contemplates his murder (the suspicion apparently arising from the fact that the witness had been released after arrest. Cross-examined (page 2046 the witness explained that he made no entry of the Rs. 10 in his diary because the money was given to be spent, and not to be accounted for.

Approver Bachan Singh states that accused was one of the *Ghadr* men visiting his and Pakhar Singh's joint well. In *Jeth*, accused and Pakhar Singh called him and accused 63 Pala Singh to a culvert near Dangyan (the Daudhar assembly) to meet accused Ishar Singh, who however, did not arrive. Accused on that occasion was armed with a *chavi*. Accused was arrested in *Har*, after the witness' release. Cross-examined (Page 193) the witness admitted that *accused is his collateral*; and that he had a case with him; but is not prepared to say definitely whether his father had a boundary case in 1897. He admits that he and accused are at enmity; and admits some, but not other, grounds alleged by the defence for that enmity. He admits that accused was restricted to his village prior to the *Ghadr* discussions at the well; and, re-examined, says that the case admitted was with the witness' father, not with witness himself. This evidence is not, of course, as valuable to the prosecution as that given by Bhagat Singh; but we have other evidence corroborating certain points in it.

Approver Arjan Singh tells us that towards the middle of February 1915 the accused brings him a message from accused Ishar Singh to go to Lahere and join Ishar Singh's party for a dacoity; which the witness declines to do. About the end of the same month, a few days after witness has been restricted to his village, accused and accused Phera Singh came there, and talk *Ghadr*. Accused attends the Daudhar meeting of June 2nd re the proposal to loot Kapurthala Magazine on June 5th. Cross-examined (Page 201) the witness says that accused and Pakhar Singh were entrained in the same compartment at Moga after arrest. He does not know whether accused was Secretary of the Dhudike School; nor did he (witness) apply to be a teacher there. He admits spending a night or two at Amritsar in the same *havilat* as accused.

Approver Nand Singh (who at page 238, denied that he had ever quarreled with accused) states that in early April 1915 this accused and accused Phera Singh (note the conjunction of names, though the date is different) come to approver Arjan Singh's and the witness, finding that all 3 have left for Dhudike, follows them and takes part in a revolutionary discussion. He corroborates that accused attended the Daudhar assembly of June 2nd; and says that after his own arrest along with Arjan Singh, on the 17th or 18th June, he finds accused and Pakhar Singh, in Moga *havilat*, who warn him to say nothing about the Daudhar assembly.

P.W. 58 (Page 224), states that accused talked sedition to him in Hong Kong; and that later approver Bhagat Singh visited him at accused 's instance, asking him to join the *Ghadr*. He refused. He never met accused in India; nor was himself restricted. Cross-examined, he said that his talk with accused took place in the road; and that he did not sail with him from Frisco; nor steal accused's *Kurta*.

P.Ws. 74 and 78 (the Dhudike *chaukidar*), testify to accused's visiting accused Phera Singh, at Dhudike School. The former denies knowledge that accused talked about his not paying to the school funds Rs. 500 sent by the witness' brother; and denies that he was fined 8 years ago at accused's instance, or that there was any dispute about a *chhappar*.

P.W. 220 (Inspector Iqram-ul-Haq) states that accused was arrested on the 17th June; his house was not searched; and that he and others were kept separate from the approvers in the *havilat* at Amritsar.

This is corroborated by P.W. 287 (a Criminal Investigation Department Inspector), who further states that on July 24th this accused gave information that accused 63, Pala Singh, owned a Burmese *dao*

(This was recovered — *vide* Ex. P. 58, and P.W. 31), and also gave information re certain persons who had gone to Kapurthala and on to Walla Bridge. Nothing of value to the accused was elicited in cross-examination of this witness.

The accused is mentioned in the confessions of two co-accused-Pakhar Singh (62) and 64 Pala Singh The former mentions him in connection with approver Bhagat Singh, and says that accused gave him a *chavi* Further, at the Chuhar Chak (Daudhar) assembly of June 2nd, 1915, but gives us to understand that he and accused were not at the Kapurthala assembly of June 5th, being both ill; and it is noticeable that the approvers do not try to make out that accused was at Kapurthala. Co-accused Pala Singh mentions accused at the meeting near Dangyan culvert (compare approver Bachan Singh), which took place a few days before the Daudhar meeting; and he, too, corroborates that accused never went to the Kapurthala gathering.

Accused's statement to a Magistrate (which can be used against him only) is at page 465. In it he mentions both those co-accused; corroborates different approvers on different points (not connected with his own case-Killi fair, for instance); mentions Dangyan culvert, Daudhar, and says that he did not go to Kapurthala "on the 5th June for waging war", as, on consideration at home, he thought it would be wrong-and that he did not go there on June 12th either in spite of persuasions.

His statement in this Court will be found at Page 463; and a supplementary written statement at Page 491. He says that his statement to a Magistrate was made on account of Police ill-treatment after 3 months in the *havilat*-a matter disposed of in the previous part of this judgment.

He says that he returned to India, his father having died, to get an *ex-parte* decree set aside; and appeared in Court on November 18th, 1914, — being later restricted and put on security. He admits visiting accused Phera Singh — merely as a member of a School Committee; and denies knowing approver Bhagat Singh, saying that the entry in that approver's diary Exh. P.15, is due to the enmity of P.W. 74, Narain Singh, of Dhudike. He says he owns one-third of the same well as Bachan Singh, approver; and that Bachan Singh is his enemy "from 3 generations". He also has enmity with co-accused Pakhar Singh. He denies all the allegations against him. He gives a ridiculous reason for his being implicated in this case; namely, that the Police were annoyed because, when a Sub-Inspector sent for him, he flatly declined to go

because the Deputy Commissioner had restricted him to his village. He says he was also arrested because he was a returned emigrant; and that on June 4th (the date, no doubt, is given in view of Kapurthala) a Police Officer refused to let him leave the village to get money from a Post Office.

In a lengthy written statement (Page 491) he repeats his story about Police ill-treatment; and gives in detail allegations regarding quarrels with the prosecution witness Narain Singh over money matters connected with Dhudike School.

He again asserts old-standing enmity with approver Bachan Singh, and also enmity over alleged petty quarrels with approvers Arjan Singh and Nand Singh (the latter of whom was practically not cross-examined). He says that on the 22nd June (the date is obviously a slip, as he was arrested on the 17th or 18th) he was suffering from choleara; and the same day gave one Sewa Singh some concrete. He urges his non-identification by approver Bhagat Singh. This statement is obviously confused in regard to the names Dangyan, Daudhar and Cauhar Chak . The Dangyan culvert meeting took place a day or two before that on June 2nd at Daudhar (which is also referred to as Chuhar Chak).

The defence exhibits to be seen are Exhs. D 19 and D 45 (which we consider very doubtful)

D.19-(1) Is a civil case for possession of land by Hari Singh of Dhudike and Sundar Singh, Mohinder Singh, Mohan Singh of Dhudike; decree *ex-parte* dated 3rd October 1914, set aside and the suit dismissed on the 4th June 1914.

(2) Suit by Kala Singh, Hurnam Singh of Dhudike versus Sher Singh, for possession of land; dismissed 7th April 1897.

(3) Suit for possession of house by Sher Singh against Sujan Singh Mehtaba, *Mussammat* Ramon, wife of Dip Singh, decree dated 23rd December 1880.

D. 45 – Is a Death register, which is very suspicious.

The defence witnesses are 231 to 243 and 725. It is, of course, to be noiced that, though co-accused Pakhar Singh gave us to understand in his confession that he and this accused were ill at the time of the first Kapurthala assembly, this accused himself said nothing about his illness in his oral statement to us. However; his first batch of witnesses support the written statement about illness; but appear divided in opinion as to whether accused suffered from cholera, or merely diarrhea. Some of

them testify to enmity with Bachan Singh. The two *lambardar* witnesses had to admit that they had got into trouble for not reporting the absences of restricted persons.

D.W. 235 is one of those who speak of the death from cholera in *Jeth* of accused's cousin Ratna (also called, according to D.W. 233, "Nikka"); and the same witnesses supports the story about a quarrel with the witness Narain Singh over funds for the school (accused and the witness being members of the Committee) sent from America by Narain Singh's brother, which Narain Singh refused to hand over.

D.W 725 is the Chaukidar of Dhudike, who asserts that accused was never absent from the village, he produced the entry showing that Ratan Singh died of cholera on June 6th, 1915, at which time (he says) accused was in the village. The Court at the time of his statement made the note on the record that this entry of June 6th was preceded by an entry of June 13th.

We were not impressed with the argument of Defence Counsel. It is urged that approver Bachan Singh has, admitted, reasons for ill-feeling against accused; but the sane is not the case with the other prosecution witnesses. Accused has never been charged with having been at the Kapurthala meeting of June 5th; and it is the prosecution case that it was only ill-health which prevented his going there; but we are in no way convinced by the defence evidence that accused was too ill to have attended the Daudhar assembly of June 2nd, when the attack on Kapurthala was decided on. Counsel for the Crown urges accused's own statement to a Magistrate; the confessions of two co-accused; and, as regards non-identification by approver Bhagat Singh, points this out as a sign that that approver was not tutored, although he made the entry about Jitwal Railway Station on March 21st in his diary; and the name "Mahinder Singh" actually appears close to that of accused Phera Singh at page 83 of the diary-an entry of March 8th (*vide* page 177 of the printed record).

On a consideration of the evidence we are of opinion that it is established that accused conspired to wage war both in Dhudike and the culvert meeting. The latter meeting may possibly be technically abetting the waging of war; but as we do not know what actual part he took in it, and as his part was not a very serious one in the case as a whole, we propose to convict him under section 121-A, Indian Penal Code, **and sentence him to 3 years' rigorous imprisonment.**

54. Mahindar Singh, son of Narain Singh, of Majri, Police Staion Khanna, District Ludhiana, aged 20:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 639), is not a returned emigrant. He was arrested on the 21st September 1915.

He was identified on Jail Parade by approver Sundar Singh (A.M.), simply as a man from Majri (who was at Ferozepore), and P.W. 27 Indar Singh of Khanna. In Court by the same approver (by name and as of Majri), 27, 39 *Mussammat* Nihal Kaur and 40 Teja Singh of Samrala

Approver Sundar Singh (A.M.) states that accused was present at the non-seditious meetings at Lohatbadi, Khanna (in company with accused Randhir Singh), and Chamkor Sahib. He was also present at the *Granth Sahib* recital at the house of Ram Singh reservist at Gujarwal; but this witness does not mention him as attending the secret meeting which followed it. The witness says that he met accused at Khanna Station on the way to Ferozepore on the 19th February 1915. Cross-examined (Page 164) the witness says that accused accompanied accused 77 Santa Singh to a *bhog* at the witness' house and was one of the *Panj Piaras* when *amrit* was given to the witness's son and grandson.

P.W. 27 Indar Singh of Khanna, who mentions accused as present at the non-seditious meeting there, also asserts that accused was present at the secret meeting at Dhundari held after Gurbachan Singh's *path*, when accused Randhir Singh urged those present to go to Ferozepore for an attack.

The wife of this last witness, P.W. 39 *Mussammat* Nihal, Kaur, corroborates to the effect that accused and accused 77 Santa Singh went with her from Khanna Station when she went to Ferozepore searching for her husband, and adds that she went with accused to the reed jungle assembly, and that he actually escorted her home next day. Cross-examined (Page 215) she denies knowing whether accused's father had a case with the father of Basant Singh of Majri.

P.W. 40 Teja Singh of Samrala, who corroborates re the non-seditious meeting at Lohatbadi, also corroborates Indar Singh on the point that accused attended the secret meeting at Dhundari; and he says that it was accused 77 Santa Singh who took this accused off to the proposed attack on Ferozepore. Cross-examined (Page 216) hesays that he (the witness) used to teach Basant Singh of Majri's son *gratis*; but that he knows of no disputes between him and accused's father

Accused's statement appears at Page 466. He denies all allegations of guilt; and starts his last answer to questions put by the Court by saying that he cannot say why he has been implicated; but he then goes on to allege enmity against Prosecution witnesses. He says that he and accused Santa Singh (77) went to approver Sundar Singh (A.M.)'s house for the *amrit* ceremony of his grandson (Sundar Singh admits this and says accused was one of the five friends) and that Sundar Singh attempted to set them against Government over the *Rikabganj* affair, and that he got angry because they refused to agree with him. As regards the 2 prosecution witnesses Indar Singh and Teja Singh (who were not even cross-examined by him) he says that they undertook to take his sister to Basaur for education and *amrit*; but that they took her somewhere else, and by implicating him in the present case have prevented his finding her. He puts forward services in the war of some relations; and asserts that the co-accused Santa Singh complained of his not turning up to assist at the Dhundari *Akhand Path*. All we need say about this statement is that it would have been better unsaid.

The Defence witnesses are D.Ws 441 to 452 inclusive, 603, 604, 891, 1030 and 1031. The first of them states that he got accused enlisted, but that accused was discharged after some 6 months, being weak in jumping. He says accused has two uncles in the Army, and that one died on the way to the Suez Canal. He makes the bare statement that P.W. Teja Singh of Samrala teaches his nephew.

D.W. 443, however, seems doubtful as to whether Teja Singh teaches girls; but makes out that he saw (along with D.W. 446) accused's sister being taken off "for education" by Teja Singh and P.W. Indar Singh of Khanna — she then disappeared. This witness (a *teli*, whose house has been searched in connection with a theft) admits that accused's father stood surety for his brother. The remainder of this batch of witnesses attempt to support this absurd story of accused's sister (not one of them being a person entitled to any credence), and one or two say that accused has never worn "black clothes".

D.Ws. 603 and 664 give even more furtile evidence about the alleged disappearance of the sister (they are really witnesses for accused 77 Santa Singh), and one says that Santa Singh and this accused quarreled with approver Sundar Singh because they would not help him in agitation re "a *gurdwara*"

D.W. 891 is really a witness for accused 10 Dalip Singh, but he is

made to answer a useless question about accused attending a *path*. Having really closed this accused's case after the statement of D.W. 452, accused's Counsel thought it worth while to produce D.Ws, 1030 and 1031, who merely gave accused a good character.

Defence Counsel's argument amounted to next to nothing. There is no reliable, nor documentary, evidence as to the alleged abduction. Counsel's remarks were somewhat devoted to discussing the date of Anokh Singh's and Kartar Singh (L.C.C.)'s visit to Dhandari (a point we have discussed and decided elsewhere). After a little hair-splitting, Counsel urged that if accused went to Ferozepore on February 19th, he probably thought he was going to an *Akhand Path*, not to a rising.

In our opinion, all that can be said for accused is that he is not very old.

We are of opinion that the presence of the accused at the secret meeting at Dhandari where the subject of the Ferozepore raid was discussed was an act of conspiracy; which materializing into action became an act of abetment of war; and that his going to Ferozepore to attack the arsenal there is an act of waging war; and we accordingly find accused guilty of waging and abetting the waging of war; and of conspiracy to wage war under sections 121 and 121-A, Indian Penal Code; **but in consideration of his youth, and the fact that his activities were limited, we sentence him to transportation for life with a recommendation to mercy.**

We also direct that his property, liable to forfeiture, be forfeited to the Crown, but recommend that the penalty be not enforced. — 5 years.

55. Mangal Singh, son of Jewand Singh, of Sur Singh, Police Station Khalra, District Lahore, aged 32 (Ex. Soldier):—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 710), is not a returned emigrant. He was arrested on the 12th September 1915.

He was identified on Jail Parade by approver Natha Singh and P.W. 15 (who pointed him out). In Court by Natha Singh and Kala Singh (as seen by him at the Jhar Sahib prior to November 26th)

Approver Sundar Singh (W.G.) did not identify him on Jail Parade; and failed in Court, giving as a reason "lapse of time."

Approver Sundar Singh (W.G.) states that this accused's name is

entered in the Khairon note-book, Exh P 1; and that he took part in the attempt on Sarhali *Thana*. He never saw accused until the Khairon meeting. To Defence Counsel the witness replied that he was also acquainted with Mangal Singh of Waltoha (accused 56).

Approver Natha Singh stated that accused was at the Jhar Sahib assembly of November 26th; and corroborated that accused was at Khairon and in the Sarhali attempt. Cross-examined (Page 102) this witness admitted that accused is his cousin; and first denied, and then had to admit, a quarrel and litigation with accused's brother Lachman Singh. He denied the allegation of his wife's intimacy with Lachhman Singh-but actually said that he *did not know his own wife's name*. He denied knowing whether one Bhai Ganda Singh was on security.

Approver Kala Singh (whose remark at Court parade was to the effect that he had not seen accused at the Jhar Sahib on November 26th) nevertheless in his statement before us said that accused was there on that date. He said that he had known accused only "since the *Ghadr* started;" that accused attended "*Ghadr*" pamphlet recitals at the Jhar Sahib; and attended a meeting at the house of Lal Singh of Bhure about 10th or 11th November (this the witness omitted to mention to the Magistrate). Called upon to repeat the names of 9 men at Lal Singh's house (Page 113-in cross-examination) the witness omitted accused's name. He denied that he and accused were together in the *havilat*.

P.W. 15 Jagat Singh of Bhure, who (*vide* page 60 of the record) pointed out this accused on Jail Parade of October 26th, 1915, stated before us that he did not know this accused; and that the only "Mangal Singh" he knows was accused 56, whom he had identified as "at the Jhar Sahib."

From the above it does not appear that any of the foregoing witnesses can be considered altogether satisfactory from the point of view of the prosecution.

Accused's statement commences at page 467. Denying all allegations against him, he says that about the time of the alleged "*Ghadr*" recitals at the Jhar Sahib he was ill with fever for a month. He says that Natha Singh approver is his uncle; and repeats the allegations about which that approver was cross-examined. He also repeats the story about Natha Singh's liaison with a *Mirasan* (a story taken up by a number of accused). Accused ends by saying that he served for 10 years, and is loyal.

The Defence exhibits are Exh D 65 (a medical register, which is

not very convincing; a large quantity of the entries appearing to have been written up at the same time); and Exh D 66, a discharge certificate showing accused's character as "exemplary."

The defence witnesses are D.Ws 502, 615, 662, 1023 to 1028 inclusive, and 1036. The first (a pensioned Subadar) gives accused a good regimental character for some years; and the next corroborates. D.W. 662 is produced re the enmity with Natha Singh. The foregoing witnesses appeared really for other accused. D.Ws. 1023 to 1028 inclusive consist of the man who produced the register (whose character, admittedly is not above suspicion), who says he treated accused from November 8th to December 12th, 1914; and some other witnesses re the enmity with Natha Singh, who also repeat the story of the *Mirasan*. One of them, accused's brother, produced the discharge certificate. The last witness was only a witness produced to say that no pages appeared to have been interpolated in the register.

Counsel for the Crown has himself admitted that this is an arguable case; and we ourselves are not satisfied on the prosecution evidence as to the guilt of this accused. There is a doubt, to the benefit of which he is entitled.

We therefore acquit the accused.

56. Mangal Singh, son of Mul Singh, of Waltoha, District Lahore, aged 40:—

This accused, who pleaded "Not Guilty" to the charges framed, against him (Page 641) returned to India some 3 or 4 years ago from Vancouver. He was arrested on the 12th September 1915.

We shall have later to consider with regard to him the confessions of several co-accused.

He was identified on Jail Parade by approver Natha Singh (as at Khairon, etc); and in Court by the same approver, approvers Sunder Singh (W.G.) and Kala Singh, P.W. 15 (by name and village) and P.W. 185

Approver Sundar Singh (W.G.) states that accused was at the Jhar Sahib assemblies of November 23rd and 26th; that his name is in Khairon note-book (Exh P 1); that he took part in the attempt on Sarhali *Thana*; and went on to the Dhun *zamindar*. Cross-examined, this witness says that he saw accused once before the occasions abovementioned. He had no talk with him. He saw him at the Jhar Sahib, along with accused 88

Suja Singh.

Approver Natha Singh corroborates re the Jhar Sahib assembly of 26th (accused was with some 4 men of his village); Khairon, with 4 companions; and Dhun. Cross-examined (Page 103), he says he first knew accused at Khairon, but had seen him previously at the Jhar Sahib. He had identified accused and Kala Singh, of Jagatpur, on Jail Parade before he saw them in Amritsar lock-up. He denied knowledge of the alleged abduction of his (the witness') sister.

Approver Kala Singh is another witness who asserts that accused was at the Jhar Sahib on November 26th; and he says (in cross-examination, Page 111) that accused was a prominent speaker on that occasion. He knows that accused returned to India some years ago; but denies that he himself has any Canada-returned relations. He and accused were in separate rooms in the same *havilat*. He admits that accused is related to Lal Singh by marriage, that is, Lal Singh of Bhure, and the witness adds that, prior to that connection the accused and Lal Singh used to associate for *Ghadr* work.

P.W. 15 Jagat Singh of Bhure helped Lal Singh to take food to the Jhar Sahib for the men assembled; and saw accused there (the witness's statement to a Magistrate is Exh. P 24). The witness admits that he made a statement to the Police 4 days before his statement to the Magistrate; and that accused's village is some 15 kos from his-but says he knew accused before.

P.Ws 165, 166, 167 (of Waltoha) say they saw accused and others together presumably on their way to the Jhar Sahib); their statements are of but little value.

P.W. 168 (Sub-Inspector, Waltoha) arrested accused on the information of those witnesses, and on the strength of Exh P 1 He knows of no enmity between accused and accused Suja Singh.

P.W. 185 is Channan Singh, son of Lal Singh of Bhure (L.C.C.). The witness (who, of course, was not on good terms with his own father) is related to this accused; and says that a few days after the *Masya*, this accused and accused Suja Singh and Labh Singh of Waltoha read the *Ghadr* and discussed looting at his father's house.

P.W. 210 (*Granthi*, Kasur) produced a register (v Exh P 105 A.B.C.) showing that this accused and accused Kesar Singh stayed at the *dharmsala* on December 1st, 1914, saying they had come form Lahore. This accused admitted at once in Court that he knew the witness, and had

stayed there). The prosecution allege that this occurred when people were wandering home after the abortive efforts at the end of November 1914.

No less than six co-accused have named this accused in their (retracted) confessions-they are, Bogh Singh, 15 Ganda Singh, Nihang, Kesar Singh, Labh Singh, of Waltoha, Sultan Shah and Teja Singh of Bhikiwind . Their statements serve to corroborate the evidence of the prosecution witnesses and they mention this accused in connection with the Jhar Sahib Khairon, Sarhali, Dhun and the riverside. Co-accused Ganda Singh, Nihang, and Teja Singh of Bhikewind both mention this accused in connection with the revolutionist Kartar Singh (L.C.C.); and the former says that accused had a private talk with him, after which Kartar Singh started for Ferozepore.

Accused's statement will be found at Page 468. He denies all allegations of guilt; but admits stopping at the Kesar *dharmsala* (where, he says, his father's name was mistakenly entered as "Nand Singh" in the register), on his way back from a case at Lahore. At the end of his statement he makes allegations as to how various approvers and witnesses were able to identify him; and winds up by saying that he has been involved in this case (at Natha Singh approver's suggestion) simply because he is a relation of the notorious Lal Singh of Bhure.

Exh. D 71 is a certified copy of judicial proceedings put in to show the enmity existing between this accused and the father of accused Suja Singh. However, as we have said before, we cannot see that enmities of this kind would be sufficient to stop persons from joining a mob for a common purpose such as *Ghadr*.

The Defence witnesses are D.Ws. 504, 506, 508, 512 and 534. The first four are really co-accused Suja Singh's witnesses; and simply testify to this accused and Suja Singh being on bad terms. D.W. 534 is Diwan Som Nath, formerly Magistrate of Amritsar, who says he remembers no complaints by accused at Jail identification.

We are not prepared to accept the suggestion of accused's Counsel that approvers Kala Singh and Natha Singh concocted their stories at Simla simply because accused is a relation of Lal Singh of Bhure; and practically his other comments amount to this, that while Kala Singh says accused was a prominent speaker at the Jhar Sahib on the 26th November 1914, Sundar Singh and Natha Singh do not say so. This does not look much like tutoring; and moreover, it is perfectly probable

that people sat about in groups at the Jhar Sahib, and that a speaker in one group may not have been heard by persons in another group. This point was put by Counsel for the Crown, who also urges that Natha Singh names him as heading a group of Waltoha men and points out that accused and co-accused Kesar Singh were still together at Kasur on the 1st December 1914. We have not been shown what the case was in the Divisional Court at Lahore, from which this accused has alleged that he was returning.

We are satisfied that the accused took a party of his co-villagers to the Jhar Sahib, and participated in the Jhar Sahib-Sarhali array in arms, where he was a prominent figure; and we accordingly convict him under section 121, Indian Penal Code, for waging war, **and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to Government. As, however, he took no part in the movement after the Jhar Sahib-Sarhali affair, we recommend him to some consideration.**

57. Manna Singh, son of Kharak Singh, of Dhotian, Police Station, Sirhali, Amritsar.

[Case withdrawn. Discharged. — Eds.]

58. Mastan Singh, son of Mehtab Singh, of Narangwal, Police Station Dehlon, District Ludhiana, aged 35:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 643), reached India, according to the emigration lists, from Canada along with accused Ishar Singh, Ranga Singh, Pakhar Singh and Uttam Singh by the s.s. Australien on December 21st, 1914; and accused himself admits that he came from Vancouver. He was arrested on the 28th June 1915.

He was identified on Jail Parade by the following approvers and witnesses:—

Sundar Singh (A.M.), who did not name him, but said he saw him at Lohatbadi and Ferozepore, Anokh Singh, Bhagat Singh, Udham Singh of Hans and 320 (pointsman). In Court by Sundar Singh, (A.M.) and Anokh Singh, Udham Singh did not identify accused in Court, and Bhagat Singh failed in Court, but said during his statement "I forgot to identify him."

Approver Sundar Singh (A.M.) states that just prior to the Jhaner

dacoity (of January 29th, 1915) accused came to Lohatbadi with a message from accused Randhir Singh that the latter could not attend a school meeting there. Accused was at the *Granth Sahib* recital at Gujarwal at the house of Ram Singh, Reservist; and attended the secret meeting held after it. The witness is not certain whether accused joined the train at Mullanpur with accused Randhir Singh on February 19th. Cross-examined (Page 163) the witness omitted accused's name re the Gujarwal meeting when told to repeat names, and said that he might have forgotten to mention to the Magistrate that accused was at the secret meeting on the roof.

Approver Bhagat Singh tells us that he first met accused at Randhir Singh's house. About 10 P.M. on February 19th, 1915, the witness finds him outside Ferozepore Station with Kartar Singh (L.C.C.), accused 17 Gandha Singh and others; and accused acts as a guide to a place of assembly. On the way home, after the failure, the witness sees accused in the train at Jagraon; and Randhir Singh sends accused and accused 23 Harnam Singh on from Mullanpur ahead from him, lest, being obviously emigrants, they should arouse suspicion. On the way Randhir Singh blames accused for promising to supply arms and men, and failing; and witness sleeps at accused's house on the 20th. On March 11th (*vide* the reference to accused of that date in witness's diary, Exh. P.15) the witness visits accused to find out about the arrest of Nand Singh (L.C.C.); and accused referred him to Harnam Singh (23) telling him to call him to accused Jagat Singh, and there enquire from him. On the 13th accused tells witness to inform Harnam Singh of a meeting near Mour Railway Station, and witness returns for the night to accused's house. On April 22nd the witness sees accused at Dehlon Police Station and both are allowed to go home.

Approver Udham Singh of Hans states that accused Uttam Singh told him that accused was present at an *Akhand Path* at Narangwal, at which Randhir Singh and his party were present. Later, accused brings a letter from Randhir Singh to Lohatbadi at the time of a meeting at which the Jhaner dacoity was proposed. This corroborates Sundar Singh (A.M.), except that in cross-examination that approver said there was no letter-the discrepancy is not important. To continue, accused remains with the witness and P.W. Ichhar Singh at the *gurdwara* when others start for the Jhaner dacoity. On February the 19th, he is one of those assembled at Randhir Singh's house, and the witness meets him and Kartar Singh

(L.C.C.) that night outside Ferozepore Station, and accused acts as a guide to the reed jungle (compare the statement of approver Bhagat Singh). All that was elicited in cross-examination (page 206), was that accused used not to accompany Randhir Singh to *Akhand Paths* at the *Khalsa* School.

Approver Anokh Singh (who calls him both "Mastan Singh" and "Dhian Singh of Narangwal") corroborates that accused reached Ferozepore with Randhir Singh's party on February 19th; and states further that on the night of the 21st accused was at the assembly for the proposed attack on Doraha Bridge Guard. Nothing worth considering was elicited in cross-examination (Page 248). P.W. 320 (pointsman at Mullanpur) identified accused on Jail Parade as one of those who entrained at Mullanpur dressed in black.

Accused's statement commences at Page 469. He denies that he is also known as "Dhian Singh" (we fail to see why approver Anokh Singh, who called him by both names, and who identified him on Jail Parade and in Court, should have invented this). He says he returned from Vancouver because work was slack. Denying the allegations against him, he says that it is impossible for him to wear black clothes because he takes liquor. He cannot suggest why his name should appear in Bhagat Singh's diary, and admits that on April 22nd, 1915, he and Bhagat Singh were released from Dehlon *Thana*. He says that he was restricted to his village, and never left it; and that one Khushia Singh, *Sufedposh*, has influenced the Police against him; that at Amritsar the Police asked him to mention "somebody's" name, which he refused to do. He was seen at a *thana* by approvers Bhagat Singh and Udham Singh. On the 19th February his cousin Tota Singh's wife died; and on the 21st another relation at Choti Assi, apparently of plague. On the evening of the 21st he was, he says, taken before a Deputy Commissioner, and his thumb impression was taken on a paper.

Exh. D 48 (restriction file) shows that accused was at Ludhiana on February 22nd, 1915, when his thumb impression was taken. Exhs D 22 and 62, however, are put in to show Death Register entries in connection with the two alleged deaths of relations; and (*vide* our notes at pages 819 and 734) the entries are suspicious and appear to show signs of alteration. They are produced to support *alibis* on the 19th and 21st February.

The Defence witnesses are D.Ws. 150 to 167 inclusive, 281, 708, and 1003. The first batch mostly belong to accused's village; say that he

has no alias; and testify to accused's loyalty and his relation's services. Their testimony regarding the dates of the two deaths is not convincing, and D.W. 160 had forgotten to bring a death Register when he first appeared before us. Both he and D.W. 155 make the important admission that accused was not taken before the Deputy Commissioner until February 22nd; and we have a little vague evidence that the Gujarwal villagers have objected to a woman's settling down in a *gurdwara*. D.W. 281 is D.W. 166 recalled (*chaukidar* of accused's village), who later has produced a Register with suspicious entries, which has not been all along in his possession. D.W. 708 gives accused a good character; and D.W. 1003 is the same *chaukidar* recalled (D.W. 166), who produces another suspicious Death entry.

We agree with Counsel for the Crown that there may be (on the strength of Exh D 48), a possible doubt about accused's presence at the assembly of February 21st re the proposed attack on Doraha Bridge; though we fail to see why Anokh Singh, approver, should have invented this assertion; and one witness, at any rate, D.W. 155, says that it was on the morning of February 22nd that the *lambardars* took accused to the Deputy Commissioner. Still, the Crown does not wish to press this point; and it has been urged (we think correctly) that, from the wording of Bhagat Singh's statement to the Magistrate, it is doubtful whether he mentioned this accused in connection with Doraha. The Defence Counsel has urged that there was nothing objectionable in the letter from accused Randhir Singh brought by accused, and that accused did not go on to the Jhaner dacoity. One of Randhir Singh's reasons, no doubt, for selecting accused as his messenger was that accused belonged to his village. The Crown Counsel has pointed out the class of co-accused who returned on this accused's boat.

We are certainly not satisfied with the *alibi* evidence re February 19th 1915; and, giving accused the benefit of the doubt as regards Doraha, we see no reason to disbelieve the evidence against him as regards other incidents.

We are satisfied on the evidence that accused returned to India, and on arrival took an active part in Ferozepore raid. It is unnecessary to give any findings on minor questions of fact. We find him guilty of waging war under section 121, Indian Penal Code, **and sentence him to transportation for life and direct that his property liable to forfeiture be forfeited to Government; but, as he is not an important person,**

we recommend him to mercy and that the penalty of forfeiture be not enforced. — 14 years

59. Nahar Singh, ("Giani") son of Thakar Singh, of Gujarwal, Police Station Dehlon, District Ludhiana, aged 22:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 644), is not a returned emigrant. He was arrested on June 25th 1915.

He was identified on Jail Parades by the following approvers and witnesses:— Sundar Singh (A.M.) (not by name, but as seen at a Gujarwal meeting and at Ferozepore), Anokh Singh, Udham Singh of Hans, Bhagat Singh, 43 and 44. In Court by Sundar Singh (A.M.), Udham Singh of Hans, Anokh Singh, *Mussammat* Nihal Kaur (not by name, but as seen at Ferozepore), 348 and 349 (students simply that they knew him at school). Approver Bhagat Singh failed to identify him in Court. He is probably another of Randhir Singh's satellites.

Approver Sundar Singh (A.M.), Udham Singh and Bhagat Singh all assert that accused was at Mullanpur Station with Randhir Singh's party on the 19th February; and the two latter say he was at the reed jungle assembly. Sundar Singh omitted his name when repeating a list in cross-examination. Anokh Singh says that accused arrived at Ferozepore on the night of the 19th with the party of Randhir Singh (from whom he had received the *pahul*); and Bhagat Singh says that accused was with Randhir Singhs party at Phime-ke-kai station on the morning of the 20th. Both Udham Singh and Anokh Singh *were fellow students of accused*; and both deny (Page 206 and 247) enmity.

P.Ws. 43 and 44 say that accused was present at the secret meeting at Gujarwal. The former admits (P. 218) that he supported one Hira Das as a candidate for *Mahantship*; but cannot say whether accused's father supported another man.

P.W. 49 (a *Zaildar*, cross-examined, has similarly denied any dispute with accused's father.

P.W. 312 (teacher at the *Khalsa* High School, Ludhiana) cross-examined, gave accused a good character, and said that accused was absent on sick leave through March and April 1915-and perhaps longer

Accused's oral statement will be found at Page 471, and a supplementary written statement at Page 553. He denies all allegations of guilt and says that at the time of the *Akhand Path* at Gujarwal (his

own village) he was ill. He came on leave to Gujarwal from his school on February 5th; and was ill from December 14th, 1914, to April 1915. He denies having been given the *pahul* by Randhir Singh, and says he was given it in 1910. He alleges faction enmity against the Gujarwal witnesses and enmity against the *Zaildar* witness. He too, says he has relations at the front. He says he once complained to a Headmaster about approver Udham Singh of Hans; and that he and Anokh Singh, approver, quarreled about a book lent to that approver's brother, Nirmal Singh.

The supplementary statement at page 553 contains an expansion of these alleged enmities, especially with regard to the *Zaildar*. It contains a long account of the War services of accused's relations, and winds up with an offer to go himself to the Front.

Exhs. D. 15 A.B.C. are copies of the statements in mutation proceedings of August 1914, put in to show enmity with P.Ws. Hazara Singh *Zaildar*, and Channan Singh.

Exh.D.15

(A) Statement of Hazara Singh, Pakar Singh, Ram Singh, Jaimal Singh and Labh Singh in support of the claims of Hira Dass, a claimant to a *Mahantship*.

(B) Statement of accused's father (Thakur Singh) supporting the claim of a rival candidate.

(C) Statement of Channan Singh supporting he claim of the Nomince of Hazara Singh.

Exh. D 16 is a school register put in to prove that, on the dates alleged by the Defence for the Gujarwal and Dhundari meetings accused was at his School Boarding-House. However, as we have said elsewhere, we do not accept those date; and, according to accused, on the prosecution dates for those meetings (which we accept as correct) accused was admittedly in his village of Gujarwal (alleged, no doubt, by the Defence to have been too ill to attend).

The Defence witnesses are D.Ws. 128 to 149 inclusive, 589, 686 to 688 inclusive, 706, 707, 907 and 1042. The first batch of witnesses testifies to accused's continued ill-health; some say from dysentery, other from constipation. They speak as to character, and the services of his relations; to the enmity of the *Zaildar* and Channan Singh, and some seem to *have unusual memories for English dates*. D.W. 134 happens to remember the 20th February, because he went to accused (who was ill) to get a letter written to a European; and D.W. 128 (a pensioned Subedar)

on February 11th asked accused (who was ill) to looks after his son. D.W. 136 attempts to discredit a Jail identification, and talks about P.W. *Mussammat* Nihal Kaur (but compare Mr. Scott's evidence on the point); and D.Ws 137 and 138 are produced in connection with *Khalsa* School Registers to speak to accused's illness and to his presence at the school on dates selected-by the Defence for the Gujarwal and Dhundari meetings. D.Ws. 139 and 146 give evidence about meeting Udham Singh, approver, on the 19th February, which we have no hesitation whatever about calling utterly false. D.Ws. 141 and 142 are as to the sale of medicine about February 12th; and D.W. 143 makes a vague statement about a quarrel with Anokh Singh, approver, "over some books". D.W. 589 has been used by several accused to east doubt on the identifications of a Mullanpur pointsman, who, however, has not identified this accused D.W 686 says he treated accused for illness for some 4 or 5 months but, cross-examined, made the most damaging statement that "accused used to come to me walking"; and, according to him, he did not always treat accused in accused's own village. D.Ws. 687 and 688 (the former of whom was a prosecution witness) give evidence re *Khalsa* School Registers; but the dates, as we have said, are really of no use to accused. D.Ws. 706 and 707 speak as to character and illness; D.W. 927 (a witness for accused 789) is this accused's uncle; and D.W. 1042 (who is also a witness for accused Randhir Singh) produces a register to show that this accused took the *pahul* in 1910. A noticeable point about the Defence witnesses is the number of military men; which goes to prove the truth of accused's assertion that his father and other relations are in military service.

The few remarks addressed to us in arguments by Counsel on either side require no comments other than those already made by us about the evidence. The case against accused is perfectly clear; and the most that can be said for him is that he is fairly young, and was probably under the glamour and influence of accused Randhir Singh.

We are satisfied on the evidence that the accused took part in the Ferozepore raid after being present at the Gujarwal meeting; and we find accused guilty therefore under section 121 of waging war, and under section 121(A) of conspiracy to wage war.

We sentence him to transportation for life and direct that his property liable to forfeiture, be forfeited to the Crown.

As however, he is a young man, and was probably led astray by Randhir Singh, we recommend him to mercy and that the penalty of forfeiture be not enforced. — 5 years

60. Natha Singh, son of Kahan Singh, Mazbi, of Jaitwal, Distt. Ludhiana.

[Absconded, but arrested and sent for trail and discharged. — Eds.]

61. Natha Singh, son of Mangal Singh, of Dhun Police Station Khalra, District Lahore, aged 30:—

[Jail escapee, who led the escape besides Sucha Singh and was the last to be arrested along with Hari Singh at Banaras. — Eds.]

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 646), is not a returned emigrant; but is admittedly a notorious person, who, during March 1915, was placed on security of Rs. 20,000. He was arrested in connection with the present case on September 12th, 1915.

We shall have later to consider with regard to him the confessions of certain co-accused.

He was identified on Jail Parades by the following approvers and witnesses:— Sundar Singh (W.G.), who first wrongly pointed out accused Teja Singh of Sandpura, as being this accused; Natha Singh and Kala Singh, and 172. No doubt, several of the witnesses, apart from the present case, would know accused as a notorious person.

Approver Sundar Singh (W.G.) states that accused's name was entered in the Khairon note-book, Exh. 1. The witness says he did not know him before. Accused was one of those who went to fetch accused Dari for the attempt or Sarhali *Thana*; but, not getting Dari, and finding the Police on the alert, left for his village, being under Police surveillance. Cross-examined, the witness says that he made a statement to Inspector Dhanpat Rai, and mentioned accused's village which is not the Dhun to which the witness went with Natha Singh, approver. He knows Head Constable Bhag Singh; but did not see him present when he (the witness) identified accused. He never saw accused prior to Khairon. The witness entered acused's name in the note-book, as told him by Lal Singh of Bhure. He admits that accused has a sear on his face, and is slightly eat-eyed; but did not give his description to Dhanpat Rai. He is unable to say whether accused's father is a well-known *badmash*; or whether accused

himself has been many times chalaned and discharged.

Approver Natha Singh states that 5 days after Dewali, Channan Singh went to visit accused, a well-known *badmash*, and returned saying that accused would join and bring recruits. He corroborates the previous witness re Khairon and accused Dari. Cross-examined (P 102) the witness denies any quarrel with accused, or complaint against himself re the wife of Fazl Din, *Mirasi*. He denies sending Channan Singh to accused.

Approver Kala Singh states that accused "used to visit the Jhar Sahib for *Ghadr* work". At page 110 the witness admits that he reported against one Budh Singh of Dhun for cattle-theft 4 years ago; but does not know whether accused is related to, or stood security for him. He never gave accused's father Rs. 200 *bhunga* to recover the cattle. Accused (the witness says) told Lal Singh of Bhure he would join the *Ghadr* some 10 days before the first Jhar Sahib meeting. He knew that accused was once sent to Sessions for murder — and saw him in hospital being bandaged.

P.W. 15 Jagat Singh of Bhure on Jail Parade of October 26th, 1915, pointed out one Natha Singh. In Court however, he stated that he did not even know accused by name, nor identified him. He did not see him at the Jhar Sahib but was obliged to admit that he had mentioned this accused in his statement to the Magistrate (Exh P 24) "because people at the Jhar Sahib" said he was there (Page 105).

P.W.115 (Sub-Inspector of Tarn Taran) states that approver Kala Singh arrested on September 14th, 1915, implicated accused as at the Jhar Sahib in a statement recorded by the witness. Head Constable Bhag Singh may possibly have been present. Accused is a well-known bad character; but the witness is unaware whether Bhag Singh recently *chalaned* him.

This latter point, however, is spoken to by P.W. 119, who admits that he gave evidence in a case against accused for an assault on Bhag Singh, in which accused was acquitted.

P.Ws. 117, 118, 119 and 130 (Circle Inspector) testify to the fact that accused is called both "Natha Singh" and "Nathu". P.Ws 159, 160 and 170 give evidence, the gist of which is that one "Nathu Bail" (i.e., of village Bail) is another well-known *badmash*; that approver Natha Singh has *sewaks* in Bail village; and that "Nathu Bail" was an associate of Lal Singh of Bhure (L.C.C.). The Defence, of course, wish to make out that, if any Nathu was really concerned in these *Ghadr* proceedings, it was "Nathu Bail"; not "Nathu Dhun." However, P.W. 185 (Channan

Singh of Bhure-son of Lal Singh of that village), though admitting that "Nathu Bail" was a friend of his father, and a disciple of approver Natha Singh, denies having seen him during the *Ghadr* discussions at his father's house.

P.W. 128 (Sub-Inspector of Patti) states that last Febrauary (1915) he reported that the village Sur Singh was mixed up in the *Ghadr* movement. He says that this accused and one Ganda Singh, both then living there, were put on security for as much as Rs 20,000 (the record of security proceedings is Exh. P. 93). Cross-examined, the witness states that he has seen this accused in the company of the returned emigrants Kala Singh and Jawand Singh, both of whom were arrested in Lahore at the *Ghadr* House No 1 on the 19th February 1915-and both of whom were men of Sur Singh, which is not far from accused's village of Dhun (some 3 miles distant, according to the Site Plan on recrord). The witness admits that he himself received complaints about accused's thefts, from Amritsar; and that he met Head Constable Bhag Singh during the present investigation.

P.W. 172, Sardar Ali, was doubtful as to identifying this accused in court until all the other accused had passed him; after which he picked out with certainty accused whom he had at first been doubtful about. This witness (now an *arzinawis* at Amritsar) was the person who, along with Kapur Singh (the witness murdered during the Lahore Conspiracy Case), reported to the Deputy Commissioner of Amritsar about the gathering during November 1914 of a number of suspicious persons at the house of Lal Singh of Bhure and the Jhar Sahib. The witness states that accused was one of those persons; and that he named him among others to the Deputy Commissioner. He states that he knows that accused is a notorious person; that he never him after that one occasion; that he was never asked to identify him before the Police; and that he cannot say whether accused has a scar on his check, or is eat-eyed. He does not know "Nathu Bail."

P.W. 190 (Sub-Inspector of Mozang *Thana*, Lahore) states that accused is popularly known as "Nathu Dhun;" and is, in nearly all reports in the Police Register XII, described as "Nathu" — not "Natha Singh." There was considerable cross examination of this witness; who was caused to ascertain from accused's "Personal File" that he was entered as "Nathu" 18 times, and as "Natha Singh" 10 times. The witness further states that proceedings were taken last against accused

under section 110, Criminal Procedure Code, as the associate of Ganda Singh whom the witness suspected of associating with returned emigrants, preaching sedition and visiting the Jhar Sahib. Accused was arrested in July 1914, and was discharged on the 15th October 1914, and went home on the collapse of a case under section 304, Indian Penal Code, against him. On 23rd November 1914 (this information is, of course, obtained from the records kept up about well-known bad characters) accused went off to one Partab Singh and returned with his wife; and is not shown as absent from his village from November 24th to December 16th, 1914. There is no mention in his history sheet of his association with Lal Singh of Bhure or Natha Singh approver. Accused's history sheet has been kept up since 1907. The witness does not know that returned emigrants attacked accused in Sur Singh; on the contrary, they asserted that accused and Ganda Singh had attacked them. The witness knows of no enmity between accused and *Zaildar* Khushal Singh. At page 275 the witness states that the papers from the 23rd to 29th November 1914 show that accused returned home on the 29th and was absent from home between those dates (which fact he denied) except on the night of the 25th — (*vide* Exhs. D 5 A.B-reports re absences).

P.W. 191 (Khushal Singh *Zaildar*, of Sur Singh), corroborates re this accused, known as Nathu, living in Sur Singh village with Ganda Singh; and says that he himself heard accused speak sedition, and urge people not to pay revenue-which the witness had to pay himself. He denies (in cross-examination) that accused set fire to any fodder-stack, or that he ever gave evidence against accused in an arson case. In his official capacity he has several times given evidence against accused. The witness adds that he heard accused speak about "Germany"; and that accused afterwards wished to kill him.

The accused is implicated in the Confessions of 5 accused, whose statements are available. Accused 15 mentions Natha Singh Dhun, as at the Jhar Sahib, where he was one of the leaders who determined on meeting at Khairon next day. He mentions him as at Khairon, and as one of the men who went to fetch Dari *en route* to Sarhali, and describes some 19 men going off after the fiasco with him, Natha Singh (approver, Sundar Singh W.G. and Lal Singh.

Accused 45 mentions him as at Khairon as one with a sword and in connection with Sarhali and the Dari episode, and as going on with

a party to Dhun.

Accused 49 also mentions him as at Khairon, as going to call Dari and as to suggesting going on to Tarn Taran after the failure at Sharhali. Accused 84 mentions him at Khairon, and threatening persons who wanted to drop out, in connection with the Dari incident and advising them to disperse.

Accused 90 does not mention him as at Khairon; but says *en route* to Sarhali a man whom he did not see, but was called Natha Singh. Dhun went with Natha Singh (approver) and Lal Singh to call Dari.

The accused's statement and supplementary statement will be found on Pages 473-474 of the record.

He admits he is commonly known as Nathu Dhun, and that last cold weather he used to visit one Ganda Singh at Sur Singh, also that he has been placed on security under section 110, Code of Criminal Procedure on Rs 20,000 sureties.

He denies, however, having ever talked sedition, associating with recolutionists or taking any part whatwoever in the Jhar Sahib-Khairon Sarhali affair.

In regard to Natha Singh, approver, he asserts that he is on terms of enmity with him because he took a strong line in regard to that witness' alleged cohabitation with a *Mirasan*; and that Sundar Singh W.G. is his *chela*.

In regard to Kala Singh, he asserts that his cattle were stolen and the thieves handed them to accused's father, said to be a well-known rassagir, and they levied from witness Rs. 200 *bunga*; but notwithstanding that the cattle were not returned and part of the *bunga* money was retained.

He also says that on the 23rd November he went for *Muklawa*, brought his wife home on the 25th, and was at home for some days after.

He suggests that the real Nathu present at Khairon was one Nathu Bhail, said to be a follower of Natha Singh, approver, and an associate of Lal Singh (Lahore Conspiracy Case); and that his (accused's) name has been substituted partly by Natha Singh to save his own follower, and partly owing to Police hostility towards him, and particularly of one Bhag Singh, Head Constable. They is no doubt that the acused has been proceeded against by the Police on some 24 occasions (which the accused enumerates on pages 474-75 of the record) under sections 110,

Code of Criminal procedure 435, 457, 325, 224, 233, 304, 457 and 366, Indian Penal Code, and also under the Arms Act; and until March 1915 he was invariably successful. In some of the cases the courts hearing the cases have passed strictures on the police; and it appears that in some of these cases Head Constable Bhag Singh played an important part in the prosecution. He urges that the failure to get him convicted in these cases has rankled in the hearts of certain police officers, who have now taken the opportunity of again oppressing him.

He asserts that Head Constable Bhag Singh was constantly with the approvers Sundar Singh, Kala Singh, and other police officers; recorded their statements; and also that the accused, who have implicated him, were taken to Diwan Som Nath to have their statements recorded by Head Constable Bhag Singh.

He also asserts that Kapur Singh and Sardar Ali never mentioned him when they reported the gathering at the Jhar Sahib to the Deputy Commissioner, and that Sardar Ali failed to identify him on Jail Parade. He urges the identification of Natha Singh and Kala Singh are valueless, as they knew him before; and Sundar Singh's as of no use as he made a mistake to start with, and ultimately recognized him by a scar.

The records of the cases D. 13, 18, 40 have been put in, and we have also seen Sardar Ali's report to the Deputy Commissioner. That report is very brief and consists simply of a rough executive order to the effect that a report has been made of a collection of men at Jhar Sahib, and directing the police to enquire.

There is no statement recorded, nor any names written down, and it is impossible to say from it if any names were given, or not.

The accused has produced 40 witnesses in his defence.

D.W. 184 (Nawab Muhammad Ali Khan) and D.W. 185 (Nawab Din, Court Inspector) merely depose that a mare of Nawab Fatch Ali Khan, Kazilbash, was stolen, which was recovered, on the police failing to discover it through accused's father; the accused's implication being that this failure of the police, reflecting on their detective ability, has been the origin of the police hostility towards accused.

D.W. 186 gives as no information.

D.W. 187 deposes to accused being married a year and a half ago, and that he was not absent from his village in those days; so do D.W. 191, 192, 193, 194, 195, 196, 207, 208, 209, 219, 220, 221.

D.W. 188, 189, 190 depose to Natha Singh, approver, abducting

a *Mirasan* woman, in consequence of which he and accused had trouble.

D.W. 187, 189, 191, 193, 194, 195, 196, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 221, 222 depose accused never talked sedition; and some say they paid their revenues when due.

D.W. 191 deposes to being accused of stealing Kala Singh's mare and the incident of the *bunga*.

D.W. 192 deposes that Channan Singh (W.B. murderer) was not acquainted with accused.

D.W. 197 is produced to say that he once met Natha Singh Bhail going to see Natha Singh, approver, about *Amawas*.

D.W. 203 says accused was on bad terms with *Ziladar* Khushal Singh, D.W. 204 and D.w. 210 that accused quarreled with Kala Singh and Jawind Singh (Lahore Conspiracy Case) at a liquor shop-a strange comment on accused's assertion that he never associated with them.

The other witnesses are formal witnesses to production of records; except Diwan Som Nath, Magistrate, who was called by accused 90 and examined by the accused.

He recorded some of the confessional statements; and, in so far as this accused is concerned, he states that Head Constable Bhag Singh sometimes accompanied confessing accused to his Court.

The argument by Counsel follows very much on the lines of the accused's written statement, which we have already mentioned.

He refers to the prior prosecutions of accused, the enmity of Head Constable Bhag Singh, which no doubt exists, and to the presence of that official at the bringing up of certain accused for confessions.

He contends that Sundar Singh's statement was recorded by the Circle Inspector; that Sundar Singh's first identification was inaccurate; that Natha Singh, approver, knew him before; that Sundar Ali did not mention accused to the District Magistrate, and only identified him after difficulty.

He also urges that if accused went to Khairon, he would have taken his followers with him, and there is no proof he did so; and that if anyone was required to get the *thana* open, he could have done it as well as Dari.

He presses that the accused has been implicated owing to the failure of the police to recover Nawab Fattch Ali's mare; and that Nathu Bhail is an admitted friend of Natha Singh, approver, and was the man at

Khairon, pointing out the pocket-book only contains the name Nathu.

In regard to the confessions, he urges that accused 45 lives near Dhun accused's village, and yet he says the Nathu Dhun present was of Dhun (Amritsar) and not Dhun (Lahore), where accused lives; and makes the same commentary on the confession of accused 14, who also says accused was at the Jhar Sahib.

He contends that accused 84 only mentioned Lal Singh and Natha Singh, approver, going to fetch Dari; but this is inaccurate-accused mentioned all 3 going.

Re accused 49, who mentions him, he says that accused suggested looting Tarn Taran and not Sarhali; but we know that, whether accused suggested it or not, Tarn Taran was one of the objectives.

He also urges Sardar Ali has always said the gathering at the Jhar Sahib was on the 28th; but what Sardar Ali has always said is that he saw men between the Jhar Sahib and Bhure on the 28th talking revolution.

He also points out that no confessions had been recorded when accused was arrested; and urges that the security proceedings of March 1915 contain no suggestion that accused was at Jhar Sahib. This is inaccurate; for the record shows exactly what is now contended, not that accused was at Jhar Sahib, but that he was asked to go there. There is no mention of Khairon, for the simple reason that the authorities were at that time ignorant of the Khairon affair, and all they knew was that there had been seditious meetings at the Jhar Sahib.

He contests also the evidence as to accused talking sedition in Sur Singh; and urges that Bhag Singh, Head Constable, sometimes accompanied Sundar Singh W.G. at Dagshai-a contention which is of no value, for Sundar Singh's statement had long before been recorded, viz, in July.

We fully recognize that the accused has been frequently prosecuted unsuccessfully before; also that he is on bad terms with Head Constable Bhag Singh, and that Nathu Bhail would be a natural person, as a follower of Natha Singh, approver, to be present at the Jhar Sahib.

We also think it unfortunate that Bhag Singh was on duty when certain confessing accused were taken before the Magistrate. But what we have to consider is, whether these facts outweigh the evidence.

It seems to us that though Nathu Bhail was a possible person to be present at the Jhar Sahib and Khairon, had Natha Singh, approver,

wished to save him, he could have said simply that he did not know who the Nathu in the pocket-book was.

That he could not have got the suggestion to substitute names from any policeman is clear from the fact that his statement was recorded by P.W. 190 at his house in Lahore on the 15th July, i.e, immediately on his arrest, under superior orders, before the note-book was even discovered; and before he was seen by any of the police against whom accused makes allegations; and in that very first statement the name of Nathu Dhun is given.

In regard to Bhag Singh, we notice that the first accused who confessed at a time when Bhag Singh was not even in the *thana*; and that he was not present when a number of accused did confess and implicate him, and that some accused, e.g., accused 5, taken by Bhag Singh never even mentioned him.

As regards the matter of the mare the Government Advocate urges, and we think not without force, that the efforts of the owners of the animal, if any, would be directed rather against accused's father than accused; and he also urges that the reason why the accused is so prominently remembered is that he was one of the 3 men on horseback; and also that if the confessing accused were being told to implicate accused, they would have been told to say Nathu Dhun, Lahore, and not Nathu Dhun, Amritsar, the existence of such a person not even being established.

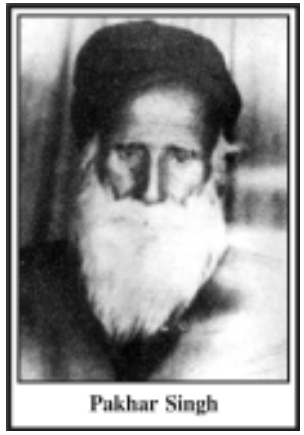
We do not think that the long array of practically unanimous evidence in regard to accused's presence at Khairon and Sarhali, and the number of confessions that implicate him can be brushed aside on the ground of a possible hostility with a Police Head Constable who was not present on the occasion when his name was forst mentioned, or because prior prosecutions have failed.

We are satisfied that accused was engaged in the winter of 1914-15 preaching sedition in Sur Singh; and was present in the Khairon-Sarhali affair in November 1914, thus commiting an act of war.

We find accused guilt under section 121 **and sentence him to transportation for life, and direct that all his property, subject to forfeiture be forfeited to Government; but, as after all, his share was a minor one and he dropped out of the movement early we recommend him to mercy, and that the order of forfeiture be not enforced. — 10 years.**

62. Pakhar Singh, son of Bhan Singh of Dhudhike, Police Station Moga, District Ferozepore, aged 30:—

[Jail escapee, who jumped from the jail wall while standing and got seriously and was re-arrested soon after with 4 others, namely, Harnam Singh, Kesar Singh, Lal Singh and Sunder Singh. — Eds.]



Pakhar Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 648) according to the emigration lists, came from Canada by the s.s Australien along with accused Ishar Singh, Uttam Singh and Mastan Singh — all of whom reached Ludhiana between the 17th and 21st December 1914. P.W. Mr. Slattery of the C.I.D. (Page 548) tells us that accused was registered as "Sham Singh."

Accused was restricted and placed on security; he was arrested on June 18th, 1915; and was interned in Rawalpindi Jail. His confession was recorded by a Magistrate on 12th September 1915; and we shall have later to consider also the confession of co-accused 64 Pala Singh with regard to him.

He was identified on Jail Parades by approvers Bachan Singh, Arjan Singh, and Nand Singh; and by the same three persons in Court. Approver Bhagat Singh did not identify him on Jail Parade, or in the Court.

Approver Bhagat Singh states that on May 24th 1915 (that is, of course, at a time when the approver was helping the Police effect arrests) he was taken by accused and accused 53 Mohindar Singh at accused Phera Singh's request to try and meet accused Ishar Singh in a jungle. Accused, he says, was armed at the time with a *chavi*. Ishar Singh could not be found, and it was arranged to meet on the 31st, when "the party" was to decide whether the witness should be given a pistol or not. On 31st this accused and Mohindar Singh warned the witness to make him scarce. This witness, of course, kept the diary Exh. P15.

Approver Bachan Singh, who states that *accused is his nephew*, says that accused returned after 3 years abroad in *Maghar* or *Poh*, with a copy of the "*Ghadr di Gunj*," filled him with revolutionary ideas, and induced him to join the *Ghadr* movement. Accused, he says had returned

in company with accused Ishar Singh. The witness and accused own a joint well; and in *Bisakh*, on account of plague, the villagers went out with their families to live on their wells; and accused was visited there by accused Ranga Singh, 72 Rur Singh, Uttam Singh, Jawand Singh, absconder, Buta Singh and Banta Singh of "the golden teeth" (both since hanged) and accused 53 Mohindar Singh, who took part in *ghadr* discussions. In *Jeth*, along with accused 53, the accused calls the witness and accused 63 Pala Singh to a culvert near Dangyan to meet accused Ishar Singh, who fails to turn up. Some 8 days later, the accused calls the witness and accused Rur Singh, saying that Ishar Singh and Banta Singh want some work done; but later on this accused excuses himself on the ground of being ill and on security, and says that accused 72 Rur Singh should go with the witness to Kapurthala to loot the Magazine. A consultation in accused's presence; and accused tells accused 64 Pala Singh to bring along his uncle, approver Arjan Singh. The witness on June 13th meets accused 64 Pala Singh at Kapurthala, who tells him that he (Pala Singh) has been sent there by this accused. (N.B. The postponed attacked on the Magazine had been fixed for the 12th). Accused was arrested in *Har*, after the witness had been released. The witness adds that he made over to the Police the *Kirpan* (Exh. P 63), which was given him by this accused, who told him he had got it from accused Ishar Singh. Cross-examined (Page 192) the witness stated that accused is his distant collateral; and that he stood security for accused when accused was restricted, which took place prior to the *Ghadr* discussions. The witness is not prepared to admit enmity on account of some cattle of collaterals Mangal Singh and Santa Singh which died at his house.

Approver Arjan Singh (from whom it was only elicited in cross-examination, Page 201, that he and accused were in Amritsar *havilat* together for a night or two) states that accused was present at the Daudhar meeting of June 2nd; and was actually appointed one of the Committee of five persons re the proposed attack for the 5th at Kapurthala; and gave accused Ishar Singh Rs 10.

Approver Nand Singh corroborates Arjan Singh on the point that accused attended the Daudhar assembly of June 2nd. He says that he and approver Arjan Singh, after their arrest on June 17th or 18th, found accused and accused Mohindar Singh in Moga *havilat*, who warned them not to mention the Daudhar assembly. Cross-examination (Page 238) elicited no reason why the witness should have been speaking falsely.

P.Ws. 74 and 77 state that accused used to visit accused Phera Singh at his school.There would be nothing extraordinary about this; accused Phera Singh was the village school-master.

P.Ws. 78 and 80 (*Choukidar* and *Lambardar* of Dhudike) speak as to the recovery of the *chavi* head (Exh. P. 83) from accused,s manure heap in *shamilat* pointed out by accused's mother.

P.W. 220 (Inspector Iqram-ul-Haq) says that accused was kept separate in Amritsar from the approvers. He was brought to the witness from Pindi Jail on September 9th, who took him to Dhudike, where his mother discovered the *chavi* head on September 11th.

P.W. 287 (Inspector, C.I.D.) corroborates re accused being kept separate from approvers in Amritsar. He recorded accused's statement on August 30th, 1915; testifies to the discovery of the *chavi* head by accused's mother in accused's presence; the mother said that she had buried it in the manure-heap, which was in open place close to accused's house.

Co-accused Pala Singh (64 of accused's village Dhudike) in his confession mentions this accused and Mohindar Singh (accused) of the same village telling him to bring Arjan Singh and Nand Singh to Dangyan culvert meeting; but he seems to be confusing this with the Daudhar meeting of a day or two later; and he does mention a second meeting at the water course later on. He says that on the 11th accused Ishar Singh and Uttam Singh came and questioned this accused as to why he had not attended at Kapurthala on June 5th, and says that next day accused suggested going to Kapurthala. This co-accused, however, though admitting that he went there himself, has not tried to make out that this accused went; nor do the prosecution witnesses.

Accused's own confession to a Magistrate will be found at Page 478. It starts off with a mention of how the *Ghadr* newspaper used to be received at Hebbsfort in Canada (a name of a town which, probably, was quite as unfamiliar to the prosecution witnesses and the Police as it is to us); and it mentions the notorious revolutionist Bhagwan Singh (deportee from Canada) as coming on board accused's ship at San Francisco, and going on to Yokohama. It mentions the known revolutionist D.T. Kumar at Yokohama; and goes on to talk about the Dhudike band of revolutionists. It mentions accused being given a *chavi* by another accused; mentions the Daudhar meeting and the Kapurthala meetings; and says that accused did not go to Kapurthala on account of illness.

Accused's statement to this Court will be found on Page 476. He

asserts that the Police gave his statement ready written to the Magistrate.He admits that accused Ishar Singh of his village (whom we always find in association with accused Uttam Singh) was on his ship; and says he returned to India because work was slack.He denies that Bhagwan Singh, deportee, came on board; and admits that he was himself restricted and put on security (this according to approver Bachan Singh was one of accused's reason's for not going to Kapurthala). He says that he and Bachan Singh (a distant relation) own a joint well; and lived there separately during the plague time. He denies all the allegations against him, even that of visiting accused Phera Singh at Dhudlike School; and, of course, admits being interned in Pindi Jail. He admits being also known as "Sham Singh;" but when asked whether his mother in his presence produced the *chavi* (Exh. P. 83) from his manure heap, says he does not know. He says that, after restriction, he never left his village; and that approver Bachan Singh (who, he says, is a bad character like his father) took possession of his uncle Mangal Singh's goods when Mangal Singh died of plague, a quarrel resulting.

The defence witnesses are D.Ws 244 to 251 inclusive; 722 to 725 inclusive. The first batch of witnesses give accused a good character; make out that he did not leave the village after restriction; and give a little vague evidence re the alleged quarrel over Mangal Singh's goods. The next batch are to the same effect; but their evidence rather discounts that of the first batch, since it appears that Mangal Singh died some 5 years ago, and that since then approver Bachan Singh has stood security for this accused.

Not much has been advanced in arguments by Counsel on either side. The Crown Counsel points out that accused's own confession corroborates part of Bhagat Singh approver's statement (the approver who failed to identify him "because not well-dressed"); and that accused was an associate of men like accused Ishar Singh and Uttam Singh. Counsel for the defence has spoken of the interval of 3 months which elapsed between accused's arrest and his confession; but he has omitted to notice that the first arrest was only for purposes of internment; and that the only real interval between his arrest in connection with this case and the confession was when accused was taken to Dhudike for the recovery of the *chavi*.

The case against this accused seems quite clear.

We are satisfied on the evidence that the accused returned to India with the object of subverting Government; that on arrival he distributed

seditious literature inciting others to rise likewise, and associated with other revolutionaries, and conspired to commit and abetted the Kapurthala raid.

These are clearly acts at the least of abetting the waging of war, and we accordingly find the accused guilty under section 121, Indian Penal Code, **and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to Government.**

63. Pala Singh, son of Kala Singh, of Dhudhike, Police Station Moga, District Ferozepore, aged 30 (Ex. Soldier — Returned Emigrant) [Expired on 25.10.1969 — Eds.]:—

Pala Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 649), says that he returned from Burma some 5 years ago. He was arrested on August 6th, 1915.

We shall have, later, to consider the confessions of certain co-accused as affecting him.

He was identified on Jail Parade and in Court by approvers Bachan Singh and Arjan Singh. The latter, in Court, at first mistook accused Attar Singh of him.

Approvers Bachan Singh states that, in *Jeth*, he and this accused were called by accused 53 Mohindar Singh and Pakhar Singh to a culvert near Dangyan to meet accused Ishar Singh. Accused had been in the Burma Military Police; and owned a *dao* (identified as Exh P 58) Accused attends a consultation with Pakhar Singh re looting Kapurthala magazine. About the latter half of June accused brings a message that accused Ishar Singh. (then avoiding the Police) wants to meet the witness in a field called Kirwala (really a cemetery). The witness finds accused there with Ishar Singh and accused Sham Singh; Ishar Singh's father says he will get Rs. 60 from Sham Singh, and send it to his son through accused (Ishar Singh requiring funds in order to escape into a Native State); and Ishar Singh tells accused to bring it to a certain place. Eventually, accused sends the money through his brother, Lachman Singh, The witness (Page 193) admits that a threshing-floor was burnt 2 years ago; but denies that there was any quarrel with accused about it.

Approver Arjan Singh, who admittedly only learnt accused's name after arrest, states that accused was present at the Daudhar assembly of June 2nd re looting Kapurthala magazine.

P.Ws 74 and 77 state that accused used to visit accused Phera Singh at his school. There was nothing peculiar about this in itself-since Phera Singh was the village schoolmaster.

P.Ws. 81, 82 and 220 are as to the discovery by accused of the Burmese *dao* (Exh P 58) from where it was buried in a canal-bank, on August 6th, 1915.

P.W. 287 (Inspector C.I.D.) says that it was accused 53 Mohindar Singh who gave information on July 24th, 1915, that accused was the owner of a *dao*.

We may say at once that the Crown Counsel, very rightly, did not wish to press this matter of the *dao*; since the accused returned from Burma 5 years ago, and may have brought the weapon as curiosity-at any rate, not for *ghadr* purposes.

Two co-accused, Pakhar Singh and the other (64) Pala Singh have mentioned this accused in their confessions-in connection with the Dhangyan-Daudhar meetings; but they do not try to make out that accused went to Kapurthala, nor did the prosecution witnesses.

Accused's statement appears at Page 480. He denies the allegations against him; and asserts that P.W. 74 Narain Singh ("Nainoo"), who is in with the police, is at the bottom of the case against him. The witness, in cross-examination, flatly denied the allegations of enmity.

Exh. D 20 — Consists of 3 copies of judicial records put in to prove enmity with this witness D.W. 74. There is no record re the alleged burning of a threshing floor.

D.20 — Copy from record office register Kala Singh versus Narain, Section 504, Indian Penal Code, Rs 10 fine, dated 20th January 1908.

It shows that the accused's father got Narain (Nainoo) fined some 7 years ago in a petty quarrel.

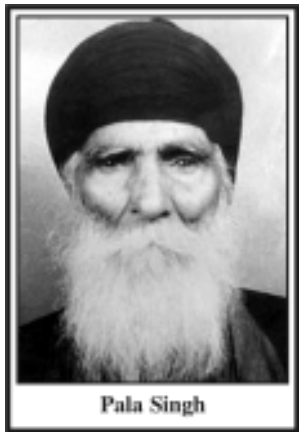
The defence witnesses are D.Ws 252 to 259 inclusive, 357 and 359. The first lot of witnesses give accused a good character; make vague allegations of "Nainoo" ask accused to dig up the *dao* — afterwards digging it up himself. Such evidence is worse than useless. Through the defence evidence there runs a vague effort to show that accused Pakhar Singh and this Narain Singh are related, i.e., this accused could not have associated with accused Pakhar Singh. The remaining two witnesses are really witnesses

for accused's associate Isher Singh and they say that this accused suspected Bachan Singh, approver, of arson; and that Narain Singh and the *Zaildar* witness are friends.

We, of course, leave the *dao* evidence out of consideration in deciding as to accused's guilt or innocence. Counsel for the defence has argued that approver Bachan Singh does not mention accused as visiting Pakhar Singh's well for *ghadr* discussions; but this argument cuts both ways — since, an enemy would have done so. He urges that approver Nand Singh does not mention accused as at Daudhar. He urges that approver Arjan Singh only mentions this accused "in order to save his own nephew, accused Pala Singh (64);" but Counsel has obviously omitted to notice that Arjan Singh implicates his nephew Pala Singh as well! Arjan Singh, though he at first mistook another accused for this accused in Court, had identified him on Jail Parade; and no reason has been shown why Arjan Singh should have wished to falsely implicate him. Our opinion of the defence evidence may be gathered from our foregoing remarks; and, as we have said, no documentary evidence has been produced re the alleged arson dispute.

We are satisfied on the evidence that the accused was present at the culvert meeting where the Kapurthala raid was planned; and conspired with others to wage war, and was an associate of other revolutionists; but as he was not a very important person, and as his actions are on the border line between conspiracy and abetment, we prefer to find him guilty under section 121A only, **and sentence him to 3 years' rigorous imprisonment.**

64. Pala Singh, son of Bagga Singh, of Dhudhike, Police Station Moga, District Ferozepore, age 20 (Serving Soldier):—


Pala Singh

[Jail escapee, who was re--arrested on 03.04.1918 after an encounter with a mob or armed locals near Sasaram along with 5 others, namely, Arjan Singh, Gujjar Singh, Inder Singh, Ganda Singh and Sajjan Singh. Expired on 25 Sept. 1986 — Eds.]

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 651), belonged to the 36th Sikhs, stationed at Jhelum. He was

arrested in connection with the present case on 13th August 1915. His confession was recorded by a Magistrate on the 13th September 1915; and we shall have later to consider with regard to him the confession of co-accused Pakhar Singh.

He was identified on Jail Parade by approver Sundar Singh (A.M.), simply as a man he had seen somewhere, perhaps at the Chamkaur Sahib; Bachan Singh, Arjan Singh, and Nand Singh. In court, by the 3 last of these persons; Bachan Singh naming him and calling him "a man in the Army," and Arjan Singh is calling him his nephew.

Approver Bhagat Singh states that on May 31st (that is after this approver had promised to help the Police to arrest accused Ishar Singh), he was warned by accused Arjan Singh, that accused 53 Mohindar Singh was contemplating the murder of the witness; and that he (accused Arjan Singh) had been brought by this accused for that purpose.

Approver Bachan Singh states that accused attended a consultation with accused Pakhar Singh re looting Kapurthala magazine; and was told by Pakhar Singh to bring his uncle, approver Arjan Singh. After the attack on Wala Bridge Guard, the Kapurthala "Havildar" tells the witness and his companions on June 12th, that accused has arrived at Kapurthala (it will be remembered that the 12th was the date fixed for the postponed attack); and the witness and accused Rur Singh (72) met accused next morning, who tells them that he has been sent by accused Pakhar Singh; and is sent on to Mallewal to see one Dyal Singh (a relation of accused Prem Sigh). Cross examined, the witness denies knowing (Page 193) that accused deposited any money with the witness' brother, Badan Singh.

Approver *Arjan Singh (maternal uncle of accused)* states that accused and approver Nand Singh came on June 2nd, telling him that accused Ishar Singh wanted him at a canal bridge near the village (i.e., the Daudhar assembly). Accused was on leave from his regiment at the time. The witness says it was accused Ishar Singh, who helped to seduce accused to the *ghadr* cause.

Approver Nand Singh corroborates the previous witness; and in cross-examination (Page 238), denies that, accused was ill at the house of the witness' uncle, Subedar Tara Singh; or that accused got him a pardon.

According to P.W. 99 (Sub-Inspector C.I.D.), accused in his statement mentioned going to Gondwal and Patti on his way back from Kapurthala; and P.Ws. 96 and 97 are produced in corroboration, with

reference to June 13th. The same Sub-Inspector and P.W. 98 (a *darzi* of Patti), speak regarding the shirt, Exh P 85. Accused was taken to Peshawar on September 7th, where his regiment then was, re reovery of ths shirt; and according to the Sub-Inspector, the *darzi* recollected having made a shirt for accused; but could not distinguish it from a second one brought from Peshawar, because it was machine made. The witness, of course, denies having ill-treated accused. P.W. 109 (a Subedar of the accused's regiment) corroborates re the recovery of 2 shirts from Peshawar on September 7th, 1915.

P.W. 110 (a Havildar of accused's company in the regiment) states that the regimental papers show that accused should have returned from one month's leave on June 6th; but did not rejoin until June 26th. He admits that letters were received from one Subedar Tara Singh of Daudhar and from a *lambardar* to the effect that accused had been ill (*vide* certified copies, Exh D 2), on 27th June 1915.

The co-accused Pakhar Singh mentions this accused in his confession as at the Daudhar meeting; as being visited by accused Ishar Singh and Uttam Singh after the first Kapurthala meeting; and as starting by train for the 2nd Kapurthala meeting of june 12th. Subsequently, he learnt that this accused had gone on from Kapurthala to the Manjha side.

Accused's own confession to a Magistrate will be found at page 482. He, in it, connects himself with the Dhangyan meetings; and says he did not go to the first Kapurthala assembly. He, however, corroborates Pakhar Singh, as to the coming of accused Uttam Singh and Ishar Singh on June 11th, and as to his starting by train for the second Kapurthala assembly. Finding nothing going on there, and after meeting approver Bachan Singh, (compare this approver's statement), he proceeded home via Gondwal and Patti, getting a shirt made by a tailor at Patti. At the commencement of this confession, accused stated that he had come on a month's leave from his regiment; and was urged by his uncle, Arjan Singh, approver, to join in the Kapurthala raid; and he ended by saying that, after reaching home from his trip to Kapurthala, he got a letter from Tara Singh, Subedar, to his Colonel, saying that he had fallen ill. He then proceeded with the letter to rejoin his regiment on June 26th.

His oral statement before this Court appears at page 480; and a supplementary written statement page 482. According to him, the Police beat him, hung him from a tree by his ankleds, and dictated a statement to the Magistrate upon which his thumb-impression and signature were

forcibly taken. He admits that Arjan Singh is his uncle; and says that he did not rejoin his regiment until June 26th, 1915, account of illness. He denies all allegations against him. He says that, after rejoining his regiment, he remained 2 months with it; and was arrested when on recruiting duty and afterwards taken to Peshwar. There, he says, the Police took 2 shirts from his kit; and took him to Gondwal and Patti where they forced Makhan Singh, witness, and the *darzi*, witness, to bear testimony against him. Approvers Arjan Singh and Bachan Singh are his enemies; and Nand Singh is a friend of his uncle Arjan Singh. He winds up by saying that he has relations in the army.

The supplementary statement (Page 482) is a brief one alleging a quarrel (some years old) with his uncle Arjan Singh, about property. Apparently, no case about it has ever been brought, and the question naturally arises why Arjan Singh, approver, was not cross-examined about the matters alleged?

Exhibit D. 2 is a copy of Subedar Tara Singh's letter re accused's illness. It is dated June 24th, 1915; and does not carry conviction to our minds as to why accused was so long absent without leave. Seeing that accused should have rejoined his regiment on June 6th, one would have expected the explanation of illness to have been offered earlier.

Exhibit D. 38 contains a Sheet Roll of accused. We find a pencil note-"Absent without leave from 6th June 1915;" and a note by Captain Goss (Medical Officer) to the effect that, though accused was looking ill, the witness could not go so far as to say whether he had been suffering from cholera.

The defence witnesses are D.Ws. 230, 260 to 263 inclusive, and 564 to 567 inclusive. The first witness is Captain Goss (I.M.S.), who was unable to identify accused; did not recollect a Jamadar reporting his illness, and could find no entry in his register about accused's illness. The witness admitted that another Medical Officer of the 36th Sikhs had gone on field service; and we must add here that accused's regimental Sheet Roll reached this Court after this witness' appearance. The next batch of witnesses support the story that accused was suffering from cholera; and one of them says, in cross-examination, that Subadar Tara Singh is uncle of Nand Singh, approver. D.W. 262 is a relation of accused; and simply makes a vague statement that Arjan Singh "took a necklace from accused. Do not know if he returned it." The last batch of witnesses supports the story of illness, and of a quarrel with Arjan Singh about

ornaments. The stories of the defence witnesses are utterly unconvincing.

Accused's Counsel has naturally been able to say but little on his behalf. Counsel for the Crown has urged that accused's being a solider makes his offences worse.

Though we see no reason to doubt the guilt of this accused, *we are prepared to accept his Counsel's suggestion (which is supported by his own confession) that he is a young man, who was under the evil influence of his uncle, Arjan Singh, approver.*

We are satisfied on the evidence that accused, while on leave from his regiment, was present at the culvert meeting, and was induced to side with the revolutionists and to go to Kapurthala on the 12th June to participate in the projected attack there.

The case would not be a serious one, but for the fact that accused was a solider; and it is probable he was under the influence of his uncle Arjan Singh.

His acts amount to abetment of waging war, and we sentence him under section 121, Indian Penal Code, **to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown; but on consideration of the minor part he played, we recommend him to mercy, and that the order of forfeiture is not enforced. — 7 years.**

65. Phera Singh, son of Lehna Singh of Kot Sardar Jhanda Singh, District Sialkot, aged 20 (School Teacher):—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 652), was schoolmaster at village Dhudhike. He was finally arrested on the 19th October 1915. We shall have to consider later, with regard to his case, the confession of the co-accused Pakhar Singh.

He was identified on Jail parades and in court by approvers Arjan Singh, Nand Singh, Bachan Singh and Bhagat Singh. Others of the prosecution witnesses, of course, belong to Dhudhike; and would naturally be able to identify him; and we may say at once that accused being a village schoolmaster, there would be nothing extraordinary about his being visited by a number of persons.

Approvers Bhagat Singh tells us that on the evening of March 7th, 1915, approver Arjan Singh introduces him to accused, at Dhudhike; and we find accused's name entered at page 83 of the diary (Exh. P 15) with reference to that date (Page 177 of this record) in conjunction with

the names of 2 co-accused, Ishar Singh and Mohindar Singh, who are said by witness to have been among his visitors. To continue this witness' story:— On the 8th March this accused is present when accused 53 Mohindar Singh gives the witness Rs 10 for bomb chemicals. Later, the witness tells one Channan Singh of Narangwal to be at Jitwal Railway Station on the 21st to be introduced to accused (the name was given after thought) and others, with a view to a dacoity at Ghalib. On the 19th March, accused is present at Killi fair when the witness and accused Arjan Singh deliver *ghadr* speeches. On May 24th (that is, after the witness' arrest, when he had promised the Police to assist in the capture of accused Ishar Singh) the witness meets accused at Dhudhike School, who sends Mohindar Singh to fetch Pakhar Singh; and the two latter take the witness to a jungle to meet Ishar Singh. Cross-examined (*vide* page 203, etc) the witness asserts that he wished to save accused, so at first said nothing about him; and that accused was released at Ludhiana when the witness at first told the Police this.

Approver Bachan Singh says that he first met accused at the aforesaid Killi fair, when, Bhagat Singh and accused Arjan Singh gave seditious lectures; and that accused told him their names, and said they were *ghadr* men. He further states that accused used to inform him and Pakhar Singh about *ghadr* men coming to his and Pakhar Singh's joint well during *Bisakh*, when the village had been evacuated on account of plague. Cross-examined (Page 194), the witness admits that he was a member of the school committee; and that accused became schoolmaster when a *Government grant was made to the school*, for which the accused applied. Witness and his brother from China used to contribute to the school funds; and he never told accused to *remove the royal portraits from the school* before he would contribute. He does not remember certain *Bhogs* being specially organized by accused to pray for victory in the War; and says that accused remained at the school when other persons went out to live on their wells. He used to take in the *Samachar Akhbar*.

Approver Arjan Singh states that about the end of February 1915, a few days after this witness had been restricted to his village, accused and Mohindar Singh came and talked *ghadr*. About the beginning of March, when approver Bhagat Singh came recruiting for accused Arjan Singh's proposed "party", the witness takes Bhagat Singh (at his request) to accused, and gathers "from their demeanour" (page 202) that they were previous acquaintances. (Bhagat Singh has not said so; but he, too, speaks

of this meeting taking place on March 7th — and fixes the date by the entry in his diary). After the Killi fair, Bhagat Singh comes with accused Arjan Singh; and tells the witness that they two and accused have preached sedition at the fair; and invites the witness to join in a proposed dacoity (this presumably, had reference to the proposed dacoity at Ghalib). A few days before *Bisakh* accused Arjan Singh and Kapur Singh (discharged by this Court) tell the witness that they are going to leave their homes for good, to join the *ghadr* cause; and the witness advises them to see this accused.

Approver Nand Singh states that in early April 1915 this accused came with accused Mohindar Singh to approver Arjan Singh, and went on to Dhudhike. On the way there accused talked sedition; said that a *ghadr* meeting would soon be held, and that he (accused) did all the *clerical work* of the *ghadr* committee. Cross-examined (Page 237) the witness admits that his sister and the sister of approver Arjan Singh are both married in Dhudhike. He says that accused made no mention of a petition to the Viceroy; that he only met accused on that one occasion; that accused did not give the date or place of the meeting, nor specify what writing work he did. In any case, such a statement on the part of accused must have been merely a piece of boasting, unless he was referring to the small Dhudhike band of revolutionaries as a "*ghadr* committee;" but we fail to see why the witness should have invented this assertion.

P.Ws. 74, 77 and 78 are mainly to the effect that accused used to be visited by co-accused Mohindar Singh, Pakhar Singh (63), Pala Singh, Sudh Singh (discharged by us), approvers Arjan Singh and Nand Singh and Rur Singh (L.C.C. — the man who was captured with Nidhan Singh of the Lahore Conspiracy Case). They admit that he had various other visitors as well; and one of them admits that accused held a *bhog* for victory in the War. P.W. 74 is not prepared to admit enmity with accused; but admits that he refused to make over to the school certain funds sent by his brother Prem Singh from America.

P.W. 220 (Inspector Iqram-Ul-Haq) cross-examined, says that accused Arjan Singh was not called on to identify accused; and P.W. 287 (a C.I.D. Inspector) cross-examined, states that he visited Dhudhike on August 5th and September 11th, 1915; and received information there that "a schoolmaster" belonged to the *ghadr* party.

P.W. 11 (Mr. Donald, Superintendent of Police, Ludhiana) cannot

remember whether approver Bhagat Singh was asked to identify accused at the *thana*; but denies that there was any identification at the Nawab's *kothi*, where the witness was sitting.

P.Ws. 71 (Inspector Nand Singh) and 72 testify to the search of accused' quarters at the school on the 22nd June 1915; in accused's absence, apparently, at Sialkot. They state that the book *Naujawan utho* was found there-the key of the house being produced by P.W 72. This latter witness certainly does not appear to be inimical to accused; and admits that accused caused the school boys to recite a large number of *Japjis* for victory in the War; but qualifies this by saying that accused was really only carrying out the instructions of another person in doing so. Witness himself was treasurer of the school.

The co-accused Pakhar Singh mentioned this accused in his confession. He belongs to Dhudhike village, where accused was the schoolmaster; and he says that, after he had been inflamed with *ghadr* ideas, approver Bhagat Singh came to his village and met this accused and another co-accused, the latter of whom took him to Bhagat Singh, who said that there were plenty of men, but a dearth of weapons. The confession continues thus:—

"Phera Singh was a schoolmaster there. I told, him that I would bring the mutineers to him, and that they had plenty of weapons." A little way on in his confession he mentions a conversation which took place in front of this accused as to whether Bhagat Singh, approver, were a reliable person, or not.

The prosecution case, of course, is that this accused was a "post office" or "go between" for the Dhudhike and other revolutionaries; who used to visit his school, and kept in touch with one another; so, let us examine accused's statement at page 83. in answer to question 2, as to whether certain accused in this and the last case used to visit him at the school, he says that only co-accused Mohindar Singh did so, in his capacity of member of the school committee. He denies all allegations against him, including that of preaching sedition at Killi fair, but can suggest no reason why approver Bhagat Singh should have entered his name in his diary. He knows nothing whatever about Exh P 80-the book *Naujawan utho* (*vide* our comments on this exhibit in Part II — (in moderate in tone). He says that he was once released from arrest and was wrongly re-arrested; that approver Bachan Singh is lying, since, at the time he speaks of, the school was closed on account of vacations; and to

prove his loyalty, he asserts that he himself got up two *bhogs* for the victory of the British army in November and December; and made all the boys repeat large numbers of *Japjis*.

The defence witnesses are 241 to 243 inclusive, 278, 280, 361, 531 to 533 inclusive, 566, 902, 929 to 938 inclusive, 941, 942 and 1029. The first witness speaks of accused's having an attack of cholera during the month of *Jeth*, but the witness was really for accused Mohindar Singh, and the question seems to have been put to him at a venture. The second witness and the third speak of accused's arrest in June for purposes of internment. At this point, accused Counsel announced that he closed his client's case, but he afterwards proceed to examine (and we allowed this, in accused's interests) witnesses who had appeared already for other accused. Such are D.Ws 278 and 280. These two witnesses support the story of accused's getting up loyal *bhogs* at the school; but we find from their evidence that these were performed really at the instance of one Dr. Ishar Singh, who founded the school, and who is serving at the front. It is admitted that accused only managed the school under a committee; and it is said that he acted in securing a Government grant for the school. As might have been expected, these witnesses are made to drag in the old story about P.W. 74 Narain Singh (Nainoo)'s misappropriating funds sent by his brother for the school. As we go on, we find D.W. 361 (a witness for accused Ishar Singh) supporting the above evidence; and adding the fresh information that approver Bachan Singh quarreled with this accused, because the accused refused to remove the pictures of their Imperial Majesties from the school wall. The accused himself had told us nothing about this. At this stage, accused's Counsel introduced some fresh witnesses of his own-D.Ws. 531, 532, 533-the first of whom (an Assistant District Inspector of Schools) states that accused was reported on as pf "good conduct;" and says that *accused was Head Teacher and Manager*; and that the school committee applied for a Government grant in October 1914. The statements of the next 2 witnesses children of about 12 years of age) scarcely merit mention; but we suddenly learn that in the month of *Chet* the accused hurt his knee and was confined to bed for 3 weeks; also that the school was closed on account of plague in April or May. The utter folly of producing this class of evidence is obvious. D.W. 566 (a witness for a co-accused) says that no undersirables were allowed in the school whilst accused was teacher. D.W. 902 says accused got up a victory *bhog* D.Ws 92 to 98 (some of whom could say nothing) form another batch of

accused's own witnesses to testify to accused's loyalty, and to his having a brother-in-law at the War. D.W. 931 drags in the old cholera story, and the misappropriation by Nainoo; as does D.W. 936 who also tells us that accused conducted all the correspondence of the school presumably, an attempt to counter a statement by Nand Singh, approver). D.W. 929, Editor of the *Khalsa Samachar* Amritsar who does not know accused personatly, refers to certain paragraphs in his paper re *bhogs* got up at the school, etc. The evidence is of no value whatever; and can be found at Page 810. D.w 94 knew nothing; D.W 941 says a returned emigrant was once turned out of the school-and we then find a different Counsel closing this accused's case. However, one more witness — D.W. 1029 — is produced; who says that accused got ill, and went home on a pony with his brother during plague time.

Exh. D 39 relates to a Government grant for the school at accused's request; but even defence witnesses have admitted that accused was under a committee; and we are unable to accept Counsel's far-fetched suggestion that this caused "the enmity of approvers, who were against Government."

Part of Exh D 57 is a school register put in to show that from 10th April, and from the 7th to 18th June 1915, the school was closed on account of plague. The period conveniently covers the time when seditious meetings at the well are alleged to have been going on; but we cannot accept Counsel's argument that "defence witnesses have proved that accused went to his home in the plague days."

Another portion of the same exhibit consists of a Minute Book containing an entry to the effect that the Master is quite right in saying that the school is not an inn or *gurdwara* which all manner of Sikhs should be allowed to use. However, unlike other entries, that entry has been signed by no one save the accused himself, though it purports to be a resolution by the committee; it is undated; and there are no witnesses produced to support defence Counsel's suggestion made (in arguments) that it was to have been signed at the next committee meeting.

We agree with Counsel for the Crown that, on the evidence, we should attach no weight to the matter of accused's speaking seditiously at the Killi fair; but we do believe that this accused was a post office or go-between for the revolutionists of the Dhudhike gang. No doubt, as village schoolmaster, he was visited by them as well as many other persons; but he lent himself to their views. We see no reason to believe that the book Exh P 80 was put into his quarters by someone else. The nature of his

defence evidence can be gathered from our foregoing remarks; and the Government Advocate has also pointed out how accused has been mentioned in one confession; and been identified on Jail Parade and in Court by four approvers. We cannot agree with the Counsel for the defence "that there was no real guilty act on the part of this accused."

We are satisfied that the school of which the accused was the local school-master, became the house of call in Dhudhike for certain revolutionists in the summer of 1915; and he himself was a means of communication between these various revolutionists, probably acting as a stranger in the village under duress of more dangerous men; though possibly guilty technically of a betting the waging of war, we find him guilty of conspiracy to wage war under section 121-A **and sentence him to two years' rigorous imprisonment.**

[Ironically, in his case the judgement omits the mention of Police Station in his village particulars: The District of Sialkot wherein the village is shown to be located, (then) covered a vast area and has (by now) been split into four districts. Prof. Waraich being from near around that area had to struggle hard to locate the village, which was in fact one extended family village of Ahluwalia sub-caste. Above all no one knew the 'Master' in the village by his name on Court record 'Phera Singh' nor about his conviction in this case. Prof. Waraich could locate only his collaterals, no close relation. He is reported to have adopted the vocation of a *Granthi* and *Ragi* singer of Sacred verse. — Eds.]

66. Phuman Singh, son of Ganesha Singh, of Kaler, Police Station Banga, District Jullundar, aged 28 (Serving Soldier):—

Phuman Singh

This accused is another of the men of the 26th Punjab Infantry. He pleaded "Not Guilty" to the charges framed against him (Page 653). He was arrested in connection with this case on 8th October 1915.

The prosecution evidence is practically the same as that produced in the cases of the other 3 co-accused of the same regiment-

Harnam Singh, Kirpa Singh and Labh Singh. Approver Anokh Singh failed to identify him in this Court; but had described him previously to a Magistrate.

P.W. 34 Jamadar Buta Singh (26th P.I) tells us that accused attended seditious lectures at Hong Kong *gurdwara*; and was mentioned to him by accused Harnam Singh as one of those ready for mutiny. Cross-examined (Page 208), the witness says that accused did the ordinary work of a sepoy; not odd jobs on account of *weak eyesight*. The witness admits that accused was employed on bringing reservists from Lahore to Ferozepore depot; a Havildar being also placed in charge of that work. The last occasion was some 2 or 3 days before accused and others were discharged from the regiment.

P.W. 35 Captain Cargill tells us (Page 209) that accused was one of those who, on return with a draft in July 1914, were intended to either apply for a discharge, or be compulsorily discharged. There was no complaint against accused. So far as witness knows, between August and November 1915. He was discharged from the regiment on 19th February 1915.

P.W. 36 Subedar Muaz Khan dispatched acused on that date in direction of Kasur with a ticket. The witness admits that he was officer in charge of reservists at Ferozepore; and that on the 17th February accused brought in some service-fit and depot-fit men; and once brought in reservists by himself. Accused on the 17th applied for a train-pass back to Lahore; but the witness learnt that he was to be discharged. Witness admits that the July draft dropped 3 prisoners, on the way, at Alipur Jail.

P.W 37 Bhan Singh (Sepoy-26th P.I.), who was detailed by Jamadar Buta Singh to make enquiries, was told by accused Labh Singh that this accused was one of those ready for mutiny. Labh Singh returned to the lines after his discharge (on the 20th when he was captured); and told the witness that accused had returned with him; but the witness himself only saw 3 men in the distance (Page 212). The witness says that he himself was only reduced to the ranks on account of illiteracy.

Approver Anokh Singh (who described accused to the Magistrate; but failed to identify him in Court) states that on February 18th the co-accused Kirpa Singh fetched this accused and Labh Singh to the Ferozepore Military Hospital; and told them that the witness and Kartar Singh (L.C.C.)0 had come about the matter already spoken of in Hong

Kong; and that the rising would take place next day. Accused then said he would take them to the British Cavalry Lines (this of course, must be a mistake on the witness' part-since no British Cavalry were stationed at Ferozepore); and Kartar Singh gave out copies of the *Ghadr Sandesa* for distribution.

P.W. 344 (Madho Singh, Head Clerk) states that accused was one of those who helped to stir up trouble at the Karachi and Ferozepore depots. Accused used to go backwards and forwards between Lahore and Ferozepore on reservist work.

Accused's statement will be found at Page 484; and a supplementary written statement at Page 558.

He says that at Hong Kong he tried to get his discharge on account of bad eye-sight, and was sent back to India with a draft, and as guard over some prisoners. He applied again unsuccessfully at Karachi for discharge. He denies all allegations against him; and we do not attach much weight to his statement about the difficulty of visiting Hong Kong *gurdwara*; but his statement is quite reasonable that, when dismissed by the regiment on February 19th he wanted a ticket for Lahore and another for his home-since he had been on duty in Lahore, and presumably, had things there. He says he went to Lahore, and left for his home with his bedding. He says that he only used to visit Ferozepore on reservist duty; and not to the hospital. He urges that he had 7 years good service; and says that Buta Singh, Jamadar, got him and others implicated to whitewash his own character; and that the P.Ws Bhan Singh, Madho Singh and Mahan Singh look for advancement at the hands of Buta Singh, who is still with the regiment.

In his supplementary statement he puts forward that he was employed as a trusted man on reservist work, and that he was not arrested until some 8 months after his dismissal from the regiment.

His defence witnesses are D.Ws 530, 536 to 555, 696, 697, 699, 700, 958, 975 and 1011. The first witness and the second batch of witnesses testify to accused's good character, and to his engaging in cultivation, and to his weak eye-sight. D.w. 550 (reservist of the 26th P.I.) makes the statement worth noticing, since there is no prosecution evidence to rebut it, that no reservists of that regiment have been kept from rejoining-and accused, if he had had *Ghadr* tendencies, would certainly have had opportunities for dissuading reservists. D.W. 548, clerk of the Lahore Reserve Centre, states that accused only made two

trips to Ferozepore from Lahore, with reservists-the last of which was on February 16th. The next four witnesses (from 696 onwards) all belong to the 26th Punjabis; and their lengthy statements occur on pages 783-784 of this record. They were really produced to generally rebut the evidence of Jemadar Buta Singh and the prosecution witnesses from the 26th P.I; and they support the accused with which we are now concerned as to character; say that he was put on light work such as dak delivery and teaching in the School; and was entrusted with reservist work. D.W. 958 says that accused quarreled with Jemadar Buta Singh who wanted his dak delivered first; and he states that at the time spoken of by approver Anokh Singh there were no cavalry, nor cavalry depot, in Ferozepore. D.W. 975 corroborates re the *dak* dispute; and D.W. 1041 gives accused a good character.

Our opinion as to the witness Jemadar Buta Singh, and his evidence generally, can be seen from our remarks in the cases of the other accused of this regiment; but we certainly enterain a doubt about the guilt of this particular accused. The Jemadar only heard of him as "ready for mutiny;" and Captain Cargill remembers no complaint against him at Karachi. The witness Bhan Singh only heard of him as a mutineer from a co-accused; and approver Anokh Singh appears to have made a blunder (at least) about this accused's alleged remark about the "cavalry." He did not, of course, identify accused. As regards approver Teja Singh, we certainly think it would be dangerous to rely much on his statement that this accused was "kept informed by letter."

As the defence Counsel has pointed out, this accused was not recognized anywhere near the lines on the morning of February 20th; and there is not a scrap of evidence to show that he returned to Ferozepore after his dismissal on the 19th February, or took any part in the activities of that night. This is most important; and differentiates his case at least from those of two of the other accused who belonged to the same regiment. There is no doubt that (whether a Havildar were also employed, or not) this accused was in a position of some trust with regard to reservists; and it does not appear that he abused that trust.

We do not purpose to follow the arguments further; since, in our opinion, there is certainly a doubt with regard to the guilt of this accused-and he is, of course, entitled to the benefit of that doubt. **We therefore acquit the accused.**

67. Prem Singh, son of Jiwan Singh, of Sursingh, Police Station Khalra, Lahore.

[Absconded. Finally arrested and convicted in the Padri Murder Case and sentenced to death. — Eds.]

68. Ram Singh, son of Sahib Singh, of Phullewal, Police Station Dehlon. District Ludhiana, aged 60:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 709), is an aged man. He was arrested towards the end of July 1915 (*vide* page 568); and is not a returned emigrant.

He was identified on Jail Parade by approvers Udham Singh of Hans, Bhagat Singh, Sundar Singh (A.M.) and P.W. 112 (a pointsman). The same 3 approvers identified him in Court; and so did P.W. 27 Indar Singh of Khanna, (39) *Mussammat* Nihal Kaur, and (40) Teja Singh of Samrala. P.W. 112 failed in Court.

Approver Sundar Singh (A.M.) states that accused attended the unobjectionable meetings at Lohatbadi, Khanna and Chamkor Sahib; and was one of 100 persons present at the *Granth Sahib* recital at Ram Singh, reservist's house at Gujarwal. He does not assert that accused attended the secret meeting there; but says that accused joined the train at Mullanpur on February 18th with accused Randhir Singh's party.

Approver Bhagat Singh corroborates re Mullanpur; and futher says that accused was at the reed jungle assembly; and with Randhir Singh's party at Phime-ke-Kai Station next morning.

Udham Singh of Hans corroborates re the reed jungle, and also says that accused was one of those who assembled at Randhir Singh's house prior to the start for Ferozepore (the witness twice omitted his name when reciting a list; but added it later). He denied (Page 213) having seen accused at Dehlon *Thana*.

P.W. 27 Indar Singh (who said that on Jail Parade he did not identify various persons because "his aql told him not to") says that accused attended the secret meeting at Dhundari; and that accused, like others there, protested against Randhir Singh's urging those present to go to Ferozepore for an attack, but agreed to join when Randhir Singh said that Government was interfering in religious matters.

P.W. *Mussammat* Nihal Kaur corroborates re Mullanpur; Teja Singh of Samrala as to the Dhundari secret meeting. The pointsman of Phem-Ke-Kai Station failed to identify accused in Court.

P.W. 47 denies that accused was called in to Dehlon; but admits that he was to Channan Singh's house in Gujarwal, but his statement was not taken there.

There appears absolutely no reason for supposing that all these witnesses have combined to get this old man into trouble; but it seems equally certain that he would have been of no use whatever physically in any attack at Ferozepore, or elsewhere.

Accused's oral statement will be found at Page 485; and a supplementary written statement at page 554. He admits attending the *Granth Sahib* recital at Gujarwal; but says there was no secret meeting; nor did he attend a secret meeting at Dhandari. He alleges that he has been implicated in this case simply because he refused to testify falsely to a secret meeting at Gurjarwal.

In the written statement he asserted that the prosecution witnesses were tutorted to identify him by his *grey beard and absence of teeth; and said that he could not even see properly at night*.

His defence witnesses are D.Ws 473 to 487 inclusive (of whom one is accused's brother). They tell an utterly unconvincing story (which this accused did not mention himself) to the effect that on the 8th *Phagan*, i.e., February 19th — this accused was engaged in a *bhog* of his own for the safe return of his nephew, who was expecting to be sent to the front. Incidentally, some of them make a feeble effort to upset the prosecution dates re Gujarwal and Dhandari.

We are quite prepared to give due weight (as urged by the defence Counsel), to the statement of P.W. Indar Singh that accused at first protested against the attack on Ferozepore, but agreed to go when Randhir Singh said that "religion was being interfered with." Also, to accused's age. We attach no weight whatever, as we have said before, to Randhir Singh's letters, Exhs D 27 and 41 put in to upset the prosecution dates re Gujarwal and Dhandari. Counsel for the Crown did not wish to urge much against this old man; and though we are not prepared to disbelieve the evidence against him, we think it extremely probable that this old *Pathi* (who probably, was under Randhir Singh's influence and dependent on him for employment at Paths) did what little he did partly in fear and ignorance, partly actuated by mistaken religious ideas.

He is, however, technically guilty of waging war and we are compelled in law to pass a **sentence of transportation for life on him, and direct that the whole of his property, liable to forfeiture, be**

forfeited to the Crown.

In view of our prior remarks we consider his case one for the utmost elemency, and we strongly recommend him to mercy, and that the penalty of forfeiture be not enforced. — 2 years

69. Randhir Singh, son of Natha Singh, of Narangwal, Police Station Dehlon, District Ludhiana, aged 38:—

[Born: 16 July, 1878, Expired: 16 April 1961. — Eds.]

Randhir Singh

Randhir Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (page 655), is not a returned emigrant; but he is one of the most important accused in the present case and has the **biggest dossier**. He was arrested on the 23rd June 1915. He is said to be a "failed B.A;" was admittedly for a time a temporary Naib-Tahsildar on plague duty in British service; and his father is Legal Remembrancer of Nabha State.

He was identified on Jail Parades by the following approvers and witnesses:— Sundar Singh (A.M.), Anokh Singh, Udham Singh of Hans, Bhagat Singh, 42, 43, 44 and 112, 114 (pointsmen).

In court by the same four approvers and P.Ws 27, 39, 40, 112, 114, P.W. Ichhar Singh and 349 (a student who simply said that accused used to visit the *Khalsa* School at Ludhiana for prayers).

P.W. 27 Indar Singh, of course, stated that he did not identify various men on Jail Parade, "because his aql told him not to;" and P.W. Ichhar Singh on Jail Parade made out that his eyes were too bad for identification, however, the accused admitted to Mr. Scott that he knew him.

Several of the witnesses make lengthy statements about this accused; especially approver Sundar Singh (A.M.) He is a *Tat Khalsa Sikh* like this accused and his statement is as follows:-He first met accused and

P.W. Ichhar Singh some years ago at Basaur. Accused attended the non-seditious meetings at Lohatbadi (resolutions re *Rikabganj Gurdwara*, etc)., Khanna and Chamkor Sahib; but, though the meetings themselves were unobjectionable, we learn from this witness that this accused at Khanna was saying that the British Raj was nearing its end because it had laid its hands on religious things; and that at Chamkor Sahib the accused told the witness and accused Karm Singh of a secret meeting at Ludhiana, at which it was decided that "if Government pulled down the *Rikabganj Gurdwara*, all should sacrifice themselves though the *Granth Sahib* teaching was opposed to such an idea." Accused also spoke of *Ghadr*, and about men coming from America, and arms expected from Bengal; and said that "suitable men" would be found at the annual meeting at the Fattehgarh Sahib (Sirhind). According to this approver, the accused goes with the witness and accused Karam Singh to Fattehgarh. At Lohatbadi P.W. Ichhar Singh urges the witness to join the *Ghadr* movement and the witness tells him that he agrees with the views of accused. Later on the absconding accused Indar Singh of Patiala visits the witness, and tells him that accused and "others of his Ghadr Party" had attended a meeting at Lohatbadi, and had fixed 17th *Magh* for the next meeting (these meetings appear to have been in connection with school matters). Indar Singh (he says) told him at the same time that it had been decided to commit the Jhaner dacoity (which took place on January 29th, 1915)-and (according to the witness) Indar Singh also said that others present at that meeting included co-accused 17, Gandha Singh, Uttam Singh and Buta Singh (hanged).

Just prior to the Jhaner dacoity, however, accused sends a message by accused Mastan Singh that he cannot attend the meeting of the 17th *Magh*. About the 12th *Phagan* the witness, Teja Singh of Samrala, brings a letter from accused inviting the witness, 17 Gandha Singh, accused, and accused Karm Singh and Uttam Singh "and any other *desh Bhagat*" to an *Akhand Path* at Gujarwal; and the witness and others go there to the house of Ram Singh, reservist (brother of accused 33), where this accused afterwards holds a secret meeting on the roof and tells those present that the Ghadr party had done much work in regiments which were ready to rise, that two men had been sent to Lucknow and Pindi to make preparations, but that money is needed-upon which the witness subscribes Rs 24. The witness purported to give us the actual words used by this accused, to the effect that it was not the time for men of the

Khalsa to sit at home, but the time to move out into the plains; and stated that accused said the date for a rising would soon be announced, and that people should be persuaded to join. After this meeting, accused leaves with his "party" for Dhandari, and later accused Karm Singh tells witness that when the Secret Police came to Gujarwal he joined accused's party at Dhandari, and tells him also that accused Kartar Singh (L.C.C.) had come to Dhandari on a *bicycle*, and informed accused that the rising would probably start on February 19th. Karm Singh further tells the witness that accused (on receipt of the above information) had dispatched Indar Singh (P.W. 27) to spread the news in the *Bar*, accused Santa Singh to spread it in his own village (Nandpur Kalour), and the witness Teja Singh to the Majri villagers, issuing instructions that all should assemble by small parties by 10 p.m., on February 19th, at Ferozepore Cantonment where arms would be obtained from the Native Regiments and the fort, and that accused and his party would start from Dhandari Station. As a matter of fact, however, accused starts from Mullanpur Station. On February 19th, accused along with some 20 men joins the train at Mullanpur, with a *takwa* and a *harmonium*. At Ferozepore the accused and others were detained by some British soldiers, who came to the conclusion that they were only a singing party. After the failure of the Ferozepore enterprise, accused leaves with his party. About the 23rd February the witness sends accused Kartar Singh to accused to find out what is happening; and later accused Karam Singh is sent, who finds accused in his father's house at Nabha, and accused advises him to lie low. A day or two later the witness himself visits accused in Nabha, and accused advises him to be cautious.

Now, this is a very lengthy and detailed statement and what does the cross-examination of this witness amount to? (*Vide* pages 163, 164). The witness says that accused Dalip Singh, a youth, is constantly in accused's company. That accused's letter was in Gurmukhi, without an envelope and to some 4 or 5 persons. That when he saw accused in Nabha, he did not see accused's father that at Gujarwal accused sang *bhajans* to the harmonium, and so on. The witness was asked about certain school funds, and admitted that the school Secretary had given him Rs 285 without any directions; but denied having embezzled any money or having been accused of doing so.

That is all.

Approver Bhagat Singh's statement is as follows; He commenced

to get acquainted with the accused whilst attending Ahmadgarh School in Malerkotla State and preaching in his spare time on religious subjects. After the *Rikabganj* incident, the accused incited him to preach sedition, filling him up with stories about the *Komagata Maru* affair and kindred subjects, so that the witness became imbued with revolutionary ideas; the witness regarding accused as a *Ghadr* leader. The witness continues to visit accused and meets at his house accused Mastan Singh (also mentioned by the previous approver in connection with accused) and Channan Singh (since hanged). The witness tells us that he kept the diary (Exh. P. 15) in order to keep the accused informed of his doings, but it does not appear from the evidence that the witness was in the habit of sending accused anything in the nature of a report based on his diary, or that the accused knew that he was keeping it up; the probability is that the witness (a youth of about 16 or 17 years of age at the time) started his diary to increase his importance in his own eyes, and possibly with a view to being of use to one whom he looked upon (as he tells us) as a *Ghadr* leader. On the 18th February the witness visits accused to tell him of the arrest of P.W. Ichhar Singh; and is told of the proposed attack on Ferozepore for next day; and is asked to join at Mullanpur. Accordingly, on the evening of the 19th the witness finds accused at Mullanpur Station with a party dressed in black clothes, and with a harmonium. At the place of assembly at Ferozepore, accused enquires as to who is armed and accused Katar Singh (L.C.C.) and accused 17 Gandha Singh (sentenced by this Court in connection with the Ferozeshahr murders) say that they have bombs. After the assembly in the reed jungle and the failure of the Ferozepore enterprise the witness (on the morning of the 20th) arrives at Phime-ke-Kai Station with accused and his "party" of some 20 men and one woman (the witness *Mussammat* Nihal Kaur). At Mullanpur the accused alights from the train and sends accused Harnam Singh of Gujarwal and Mastan Singh on ahead (they being obviously returned emigrants) to avoid suspicion. On the way he complains that Mastan Singh has deceived him, having promised to supply many men and arms; and says that in future he shall not help Mastan Singh and his companions. On April 24th, after his arrest and release the witness goes to Nabha and warns accused about the Police. The witness further tells us that the entry in his diary "Natha Singh, Judge" refers to this accused's father — the accused himself has told us (page 486) that his father was for a time a Judge of the State High Court-and we also find accused's

name occurring at Page 67 of the diary (Exh P 15); while the witness explains (Page 185 of the printed record) that the item Rs 2-8-0 included Re. 1 previously received from this accused. The actual note in the diary (an entry bearing date of the 20th February 1915, (Page 175 of the printed record) runs thus:— "19th took Rs. 1-8-0 from Randhir Singh. Total Rs 2-8-0."

Now this, again, is a very detailed statement; and let us looks at the cross-examination of this witness (Page 202, 203, 206). He admits that he did not send any letters about his doings to accused; nor held any credentials as a preacher. He first used to meet accused at various *Singh Sabhas*; who never asked him to preach about memorializing Government on the subject of the *Rikabganj Gurdwara*. He first saw accused at Nabha on the 24th April (the diary entries of April 24th and 30th run thus respectively:— "Arrived at Nabha at 12 noon by the goods train leaving, at 9 o'clock. *Tawela of Mai Ji*. Natha Singh, Judge." — and "No 3 Nabha Judge Sahib. *Tawela of Mai Ji*.") and says that there was nothing against his noting down on the 30th that address, which he got from accused Mastan Singh on the day when he and Mastan Singh were taken there by the Police. (Exh. P. 56 are stray notes from which some entries in the diary were made) He denies having gone to accused's father seeking employment; and says that, at the time when he went to see accused in Nabha, he had not buried the diary.

This is all that appears from cross-examination; and re-examined, the witness states that the entries of the 29th May to the 6th June were made after he unearthed the diary, and that the only time he showed it to accused was when he visited Nabha-he never gave him any information before then.

Approver Udham Singh of Hans states that accused Uttam Singh told him that accused "and a party" attended an *Akhand Path* at Narangwal and corroborates that accused sent a letter to Lohatbadi meeting by the hand of Mastan Singh regretting his inability to attend (this was the meeting at which the Jhaner dacoity was proposed in accused's absence, of course). On the 18th February, at Patiala Station, the witness learns from accused Karam Singh that at the meeting at Dhandari Kartar Singh (L.C.C.) distributed flags to accused and his party; and that accused persuaded many recalcitrants to join for a rising on the 19th. On the 19th the witness and accused Uttam Singh assembled at accused's house, accused Mastan Singh, Dalip Singh, Harbhajan Singh, Attar Singh, Surjan Singh

and others; and accused tells Uttam Singh that those present will go to Ferozepore; and that he will try to get more. Later the same day the witness sees accused at Mullanpur Station, with a harmonium and a party dressed in black; and these persons proceed to Ferozepore and the reed jungle. Cross-examined (P. 206) the witness says that accused Attar Singh and the old man Ram Singh used to go about with this accused; that he has seen him at an *Akhand Path* at the boarding house of the *Khalsa* School, Ludhiana; and that accused and his followers gave him (witness) the *pahul*. On this point we may say at once that we do not doubt in the least that accused was in the habit of attending many perfectly unobjectionable meetings and gatherings in connection with religious and educational affairs; and was a person with a certain amount of religious influence. This approver, of course, is the man who *returned from Italy*; but denies that he was sent back from there for misbehaviour and says he was sent back on account of some infection of the eyes. He admits having cut his hair on that trip; but denies all knowledge that accused and his party imposed a penalty on him, or excommunicated him.

P.W. 27 Indar Singh of Khanna (P 165) tells us that accused was present at a *path* held at Dhandari by Gurbachan Singh in respect of his son, who was on active service. This witness corroborates re the secret meeting held with closed doors after *bhog* was over; and he says that accused told them that a *desh Bhagat* (meaning, perhaps, Kartar Singh) had come the day before, and wanted all there to go to Ferozepore to attack the fort; and said also that men from regiments would help, that religion was being tampered with, and that everyone should collect "Singhs." Later, the witness met accused at a *bhog* at Malewal, who reproached him for not turning up at Ferozepore. This witness (Page 165) corroborates the statement of approver Sundar Singh (A.M.) that accused Santa Singh and the witness were sent off to the *Bar* to collect men for Ferozepore. (The witness himself refrained from going to Ferozepore, which is why his wife P.W. 39 failed to find him there) Cross-examined (P. 166) the witness denies that any resolution was passed at Dhandari regarding the books of one Bishambar Dat.

P.W. 28 (Page 167) and 29 corroborate as to P.W. 27's coming to Chak No. 361 in the *Bar*, saying that Randhir Singh and others had sent him to raise men for the *Ghadr*. P.W. 27 also said that he had no intention of joining himself; but had come on his errand out of fear for his own safety. P.W. 28 admits that he only knew Randhir Singh by

name; his own village is 2 miles from Khanna, and Nand Singh is *Sirdar* of it. P.W.29 says that he has seen Randhir Singh previously at *Sangats*. It does not appear why either of these persons from the *Bar* should have been ferreted out specially to bolster up P.W. 27 in a false statement.

Approver Anokh Singh tells us that on the 14th February (the date is fixed with reference to approver Mula Singh's arrest on the 13th), at the Lahore *Ghadr* House (No.1; at the Mochi Gate), Kartar Singh of Soraba (L.C.C.), gave him 2 sovereigns, and told him to get news of accused Uttam Singh from this accused at Dhandari Kalan, where an *Akhand Path* was in progress. The witness knew accused previously. About the 17th February, Kartar Singh and the witness met accused at Dhandari: Kartar Singh tells accused that the 19th has been fixed for a rising; and accused promises to bring his party to Ferozepore. On the 19th, accused arrives at Ferozepore with 15 or 20 men wearing what the witness calls "blue clothes," and with a drum and a harmonium. Cross-examined (P. 248), the witness admits that accused used to visit his school on *Singh Sabha* and *Pahul* occasions; and says that accused gave his brother the *Pahul*. He never saw accused Mastan Singh and Ram Singh with accused on religious occasions. This witness also denies that he had a penalty inflicated on him for cutting his hair; and, moreover, gives what appears to be a very sufficient reason why no such penalty could have been inflicated-namely, that he himself has never taken the *Pahul*!

P.W. 39 *Mussammat* Nihal Kaur [the woman who went to Ferozepore searching for her husband (P.W.27)] corroborates as to accused joining the train at Mullanpur with a harmonium; also re the reed jungle assembly; and the departure next morning from Phem-ke-Kai Station. She denied that accused attended an *Akhand Path* at her house.

P.W. 40 (Teja Singh of Samrala) corroborates re the meeting held with closed doors at Dhandari after Gurbachan Singh's *Path* by accused and others. He explains that his wife was excommunicated for plaiting her hair and wearing jewellery; and that he went to accused to get the ban removed by whose instructions he went to Dhandari, and subsequently to Khanna (*vide* page 215 for details).

P.W. 41 is Gurbachan Singh himself, who corroborates re the holding of a secret meeting-at which he was not present. He admits the accused is a famous reader; and we do not doubt that the assembly which

preceded the secret meeting was unobjectionable in character.

P.W. 42 also corroborates as to a meeting with closed doors; and P.W. 43 as to the one at Gujarwal. This last witness, who is an employer of labour on brick kilns, tells us that accused asked him to get men to fight the English now that the war was on. Witness says that he reported anonymously by letter to the Police; and also told P.W. Channan Singh of Soraba, who entered some names in a pocket-book. Channan Singh is P.W. 45; and his note-book is Exh. P 65 (*vide* page 219). This accused's name is not one of those noted down by the witness. It is, of course, possible that P.W. 43 was unwilling to give away the name of a man of influence and importance; but it certainly seems beyond doubt that, had the note-book been simply concocted for the purpose of this case by the Police or anyone else, the name of this accused would not have been omitted. P.W. 44 corroborates re the Gujarwal meeting on roof, attended by men dressed in black. P.W. 46 (*Zaildar* Kishen Singh), corroborates re the Mullanpur Station incident (P. 219); and the 2 pointsmen P.Ws 112 and 114 re the departure of some 20 persons (including one woman), with musical instruments, from Phem-ke-Kai Station. Those persons wanted to have their tickets taken all in one lot. P.W. 46 admits the correctness of accused's assertion that he was once employed on plague duty.

P.Ws. 48 (a Sub-Inspector) and 49 (*Zaildar* Hazara Singh) speak as to the search of accused's house on June 22nd, 1915. Accused was not present himself; but his mother and uncle were, the latter of whom (according to the witness), signed the *fard bandmdagi*, Exh P 69. Exhibit P 70 was found in a box; but the witness cannot remember whether Surjan Singh, pensioner, was present. Exhibit P 70 is an advertisement sheet of books by the well-known seditionists *Ajit Singh and Sufi Amba Parshad*; and formed the Supplemet to a copy of the Rajput Gazette, printed on 1909. P.W. 49 admits that accused's village Narangwal is in another *Zaildar's zail*. Jaimal Singh (he says) and possibly Chanda Singh and Surjan Singh were present at the search. He admits litigation with accused's father; about mortgage-money, not about a *Zaildari*; but denies that he had any dispute with accused about the stopping of a *Singh Sabha*.

P.W. 311 (Inspector of Police) found the letter, Exh. P 172 A,B (B is the translation) at P.W. Ichhar Singh's house on the 19th April 1915, as the result of information given in Ichhar Singh's statement to the Magistrate. In cross-examination the witness says that Ichhar Singh

stated that the letter referred to the meeting at which the Jhaner dacoity was decided on; but there is, of course, no such reference in the letter itself, which is unobjectionable in its terms.

P.W. 317 is Ichhar Singh. He tells us that he suggested to Buta Singh (since hanged) that accused might be able to supply boys to be sent to *America to learn to make bombs*. On May 30th, 1914, the witness, Buta Singh and accused attend a meeting at *Langa Manch*, Lahore, in connection with the *Rikabganj Gurdwara* incident and the action of the *Chief Khalsa Diwan*; and accused tells the witness and Buta Singh at Amritsar just afterwards that Sundar Singh was the kind of youth required. The witness, who in our opinion, showed a very distinct desire to say as little as possible about this accused especially said (Page 321) that he "thinks" he and Buta Singh and accused talked to Sunder Singh about "sacrifising his life" and so forth. (Compare this witness's statement to the Magistrate, of 14th April 1915, on this point, with his statement at the top of page 321 of this record). The Sundar Singh here referred to is the student of that name who was produced as D.W. 792; and we shall refer to his evidence later on. To continue:— Accused sends "Amli" and Hari Singh (L.C.C.) to warn accused Uttam Singh about the Police (the witness was certainly reminded of this incident). On the 8th *Magh*, a meeting about school matters takes place at Lohatbadi; and next day a meeting at the witness' house at which accused and accused 17 Ganda Singh, Uttam Singh, Buta Singh (since hanged) and (the witness thinks) Nand Singh were present. It was decided to join in a rising; and accused Ganda Singh and Uttam Singh displayed pistols, and the witness 2 daggers. During these proceedings, the witness says, "accused sat silent"- but he does not go so far as to tell us that the accused made any protests. On the 17th *Magh*, there is the meeting about school matters (when the Jhaner dacoity is also decided on); and accused send the witness the letter, Exh. P 172 A, expressing his inability to attend the meeting We have already said that there was nothing objectionable about this letter. Cross-examined (Page 325) this witness says that he knew accused as a religious man; that he (the witness), approver Sundar Singh (A.M.) and Dharm Singh quarreled about school matters, and accused "was informed in strong terms, and replied in strong terms". He was obliged to prevaricate when asked whether Sundar Singh (A.M.) approver, had in the *havilat* threatened "to retaliate on accused;" but did what he could to modify his statement against accused by asserting that on one occasion the accused

said that Government should be "first approached" before any rebellion was started.

It was quite clear to us how desirous this witness was to shield this accused as much as possible; but it is at the same time apparent how incriminating his statement is.

P.W. 11 (Mr. Donald, Superintendent of Police, Ludinana), denied that accused made any statement to the Police, beyond saying that he was "a well-wisher of Government."

Lastly, we have P.W. 347 (Inspector Ahmad Khan) re the slip of paper, Exh P 237, found in house No 2 of the Lahore *Ghadr* Party. (That slip of paper was Exh. P 98 A in the Lahore Conspiracy Case).It has been proved to our satisfaction that that slip is in the handwriting of the notorious *Rash Behari Bose*. Our remarks regarding it are, of course, entirely conjectural; but upon it we find these words written in close conjunction:— 'Nidh to Ich," and "Randhir, Uttam, Jagar." "leh", in our opinion, with the witness Ichhar Singh, who has been much mentioned in connection with this accused; and "Uttom" was Rash Behari's spelling of "Utttam" Singh (accused 95)., referred to already in connection with this accused Randhir Singh. It was to get news of Uttam Singh that Kartar Singh (L.C.C.) sent approver Anokh Singh to accused Randhir Singh from the *Ghadr* house No. 1 on the 14th February, There is, of course, nothing to show that Rash Bchari, ever met this accused; but it is probable in the extreme that Rash Behari, like Kartar Singh (L.C.C.), was aware of accused and his importance and influence. "Jagar" is possibly a note referring to Ujagar Singh of Ambala, to whom approver Sucha Singh, about February 15th, went with seditious literature for the troops there.

Accused's statement to this Court will be found at Page 486; and a supplementary written statement at page 569. He, of course, denies all allegations of guilt. He says (and we are oerfectly prepared to believe him) that he once acted as a temporary Naib Tashildar on plague duty; that his father is Legal Rememberancer of the Nabha State; and that at the time of his arrest, his father was a Judge of the High Court of that State. He, of course, admits knowing P.W Ichhar Singh. *He denies that he has any followers*; and says, as regards the large meeting at Lohatbadi (which meeting we agree, was not seditious in character), that he really attended it to protest against the removal of the girls and teaching staff from Basaur by Ichhar Singh and approver Sundar Singh (A.M.); and

also annoyed those persons by repudiating the report that he had become a patron of their intended girls' school at Lohatbadi. As regards the resolutions passed at that and the subsequent non-seditious meeting at Khanna he says that he was on the side of Government; and that at the latter meeting Ichhar Singh and Sundar Singh were penalized for keeping up intercourse with certain *Chamars*, who had embranced Sikhism, but had reverted to former practices. He admits going to the Chamkor Sahib and to Fatehgarh, but says he talked no sedition. He denies attending a meeting at Lohatbadi on the 8th *Magh* (January 20th, 1915); and fixing the 17th *Magh* for another meeting there; but says that he did send a letter about school matters, though not by the hand of accused Mastan Singh of his village. He denies knowing accused Uttam Singh at all; and, as regards the Gujarwal *Akhand Path* at the house of Ram Singh, Reservist, he asserts that it took place on the 6th *Magh* and lasted 3 days (including *Basant Panchmi* day, that is *Magh* 8th). This is accused's *alibi* for the Lohatbadi meeting of January 20th (1915).

[Accused's answer to question (11) was corrected at the request of his counsel; and should run thus:—

> "I did not send any letter to invite any people at all. I did not know these men, except Sundar Singh (A.M), who was made to pay a penalty."]

Similarly, as regards the *Akhand Path* at Dhandari he denies that it took place on the date alleged by the prosecution (February 17th); and asserts that it began the day after *Basant Panchmi*, i.e., on the 9th *Magh*. He further asserts that he had met accused *Santa Singh* at Nankana fair, and wrote to him to officiate as *Pathi*; but that, as he did not turn up, accused wrote to him afterwards from Nabha to complain of his non-attendence (our remarks in accused Santa Singh's case may be seen as to the style of letters written to this alleged comparative stranger, as Santa Singh had made himself out to be). To continue, the accused does not know Kartar Singh (L.C.C.); never wears black clothes; and has never even heard of Phemi-ke-Kai Railway Station. He says that, probably towards the end of *Phagan* (he means February, presumably) Sundar Singh came to him to get money to bribe the Police to release his sons, and was remonstrated with (compare Sundar Singh's version of this visit to Nabha, at the foot of page 161). He says that he does not even know approver Bhagat Singh; and cannot suggest why that approver should have entered his name in the diary (our remarks on Bhagat Singh's keeping

of the diary have appeared previously in this Judgement). He admits meeting P.W. Indar Singh of Khanna at Mallowal; and says that he officiated subsequently at a *path* got up by that witness. He denies that Exh. P. 70 (the book supplement to the Rajput-Gazette belongs to him; and admits that Exh. P. 172 A was written by him to P.W. Ichhar Singh. He says that it relates to school matters not to any meeting; and that "strong terms were exchanged resulting in greater alienation;" but, so far as the wording of that letter itself goes, it certainly does not read as if it had been written to anyone with whom accused had had a quarrel. He admits attending the Langa Mandi annual meeting at Lahore; and adds that he there annoyed P.W. Ichhar Singh by "stopping his daughter from lecturing at it!" He admits meeting, some time afterwards, one Sundar Singh student, who told him that P.W. Ichhar Singh wanted to send him to America for education; but says that he (accused) dissuaded Sundar Singh. He cannot explain how the name "Randhir" comes to be on the slip or paper Exh P 237 — and, as we have said, we can ourselves do no more than speculate on that point. He asserts that approver Udham Singh of Hans bears him enmity; having been penalized for the religious offence of cutting his hair when on his travels. Similarly, approver Bhagat Singh's father was penalized for trying to turn a Sikh out of a Dewan; and he (accused) annoyed approver Anokh Singh by writing to his brother Nirmal Singh in strong terms, after hearing that Anokh Singh and other youths had administered the *Pahul* to a dog! He also alleges enmity against the P.W's Hazara Singh *Zaildar*, Channan Singh, Kishan Singh and Teja Singh of Samrala. (Kishan Singh, by the way, who supported accused's allegation that he had once been employed on plague duty, said that he himself had certificates from medical officers — accused now asserts that he stood in the way of the witness' getting a testimonial.)

The supplementary statement commences at Page 559. It contains profuse expressions of loyalty; and urges that, as among members of the *Tat Khalsa* there can be no *guru* and no *chela*, the accused can have neither a disciple nor a party. It mentions the well-known fact that the *amrit* is administered by the *Panj Piare*; and says that accused never administered it alone (it was never really suggested that he had done so; but of this more anon). The accused sets forth that various soldiers on field service have written to him and sent money for *Akhand Path* to be performed for the victory of the British Arms, and for their safe return; and we are not prepared to disbelieve this assertion, and we do believe

that this accused was a person with a certain amount of religious influence, and used to go about officiating at ceremonies. In our opinion, *he was the more dangerous on account of that influence*, which he misused, and which caused him to be sought by men like Kartar Singh of Soraba (L.C.C.). To continue with this statement, accused says that on the 15th February he left his village Narangwal for Nabha on account of plague. On the 22nd *Bisakh* and two following days he performed an *Akhand Path* at the house of P.W. Indar Singh of Khanna (which was attended by accused Attar Singh and Dalip Singh); and on the 27th of that month was arrested in Nabha by the Nabha Police, the aforesaid 2 co-accused being detailed to cook for him. Eventually, he was transferred to Ludhiana, with accused Attar Singh still in attendance; and since June 25th, 1915, he has been in jail without having even been told what he was arrested for.

The defence exhibits to be seen are Exhs. D 27, 41, 52, 53, 55, 56, 59, 60, 61, 62, 70 and 71 some of these consisting mainly of letters, we shall discuss along with the evidence of defence witnesses, and shall give our reasons for considering that they have been manufactured for defence purposes.

Those which may be discussed briefly here are Exhs D 55 (copy of grounds of appeal); 60 (personal certificates of accused — who, no doubt, at one time was not a revolutionary); 59 (letters with envelopes from soliders on service, which we are quite prepared to believe are genuine); 74 (copy of a judicial record put in to show enmity between P.W. Channan Singh and accused's relations); and 70 (attested copies of applications; put in to show the enmity of P.W. Hazara Singh, *Zaildar*, with accused and his father). Also, Exh D 27, which purports to be a letter from accused to the co-accused Jagat Singh about his *bhog* at Gujarwal for his brother Ram Singh. It bears date of January 13th, 1915, and address "Mehmasinghwala" (to be mentioned hereafter); says a good deal about "the victory of the British Crown; fixes the *Basant Panchmi* day for the Gujarwal *bhog*; and, most unnecessarily enters as well as the dates in *Magh* the English dates of "18th, 19th and 20th January." As in the case of other letters, the thing has been altogether overdone; and this letter is most obviously a concoction for defence purposes.

Exh D 55, copy of grounds of appeal in a case Thaman Singh versus *Mussammat* Kishno, Gurdit Singh, son of Natha Singh (father of accused).

Exh D 60, Testimenials of the accused

Exh D 70, copy of a decree Jaggat Singh, *Zaildar*, Hazara Singh, Sawan Singh, versus Natha Singh (father of accused) suit to contest notice of ejectment as tenant-June 1901.

D.W. 74, the order dismissing the appeal (grounds of which are Exh.D 60), dated 9th May 1907

This accused has produced well over *one hundred defence witnesses*; and we have also to see the answer to interrogatories of Sardar Shamsher Singh, Chief Minsiter of Jind State. A noticeable points is that accused's father, who might have been produced as a witness. As regards the interrogatories (*vide* page 827), Sardar Bahadur Shamsher Singh, C.I.E., simply stated that he knew this accused by name only, and nothing about his character; and that though he (the witness) had been a member of the Managing Committee of the *Khalsa* College at Amritsar, he could not recollect whether accused at the time was *Superintendent of a Boarding House* at that College. He knew nothing about accused's always preaching loyalty to the students there; or advising them to take no part in politics; or telling them not to go and hear the seditious lectures of the notorious revolutionist Ajit Singh.

D.W. 573 is Mr. Cole, now Registrar of Allahabad University, who from 1899 to 1910 was principal of the *Khalsa* College, Amritsar. Accused, he says was Superintendent of the Boarding House there for a year or so under him; and, so far as he knows, his character then was satisfactory; and the witness gave him a character. (We may say at once, on this point, that there is no allegation that at that time this accused was disloyal; the evidence is that he became disloyal during the comparatively recent agitations).

D.W's 97 to 99 inclusive testify to accused's receiving letters from soliders on active service re *Akhand Paths*; and to accused Attar Singh's cooking his food after his arrest. D.W. 589 is a general witness for this and other accused, produced to discredit the Ludhiana identification by one of the Mullanpur pointsmen. This witness gives his name as "Attar Singh," and says that the pointsman picked him out as accused Attar Singh. However, the pointsmen who were produced by the prosecution against the present accused belonged to Phem-ke-Kai Station; and one of them identified him in Court before us, and both of them on Jail Parade.

D.W. 595 (Phola Singh of Kalaur) is really a witness for accused Santa Singh, and he asserts that the request of that accused's cousin Lal

Singh that he should "search for letters," he searched in that accused's copy of the *Granth*, which he happened to have, and discovered the letter Exh D 41, from accused Randhir Singh to accused Santa Singh. That letter is, of course, intended to upset the prosecution date re Gujarwal; and purports to have been written from Gujarwal on January 20th, 1915 (*Basant Panchmi* day). The story of this witness is ridiculously weak; and the thing has been overdone. The letter is profuse in its expressions of loyalty; purports to January 23rd as the date for the *Akhand Path* at Dhandari (Gurbachan Singh's); attempts to make out an *alibi* for other co-accused; and says that, "as the period is very short, this letter is being sent by hand," thus accounting for the absence of an envelope with an inconvenient postmark. The letter contains a great deal of irrelevant matter such as this accused would hardly have written to a comparative stranger; and accused Randhir Singh only mentions meeting him at Nankana fair).

We have spoken of this letter elsewhere in this judgment; and we have no hesitation about deciding that it was concocted for defence purposes; though, of course, we cannot say whether it was concocted when this accused came to know that other revolutionists were being arrested; whether it was somehow got out of Lahore Jail; or when and where it was manufactured.

D.W. 754 supports the absurd story about P.W. Ichhar Singh's daughter wishing to address the Langa Mandi meeting in Lahore, and being prevented; and he makes out an *alibi* for accused for the 13th February 1915. He also speaks of several years back when accused stopped *Khalsa* College students from attending *Ajit Singh's* lectures; and heard that accused stopped them form agitating about some words used by a European which has given offence.

D.W. 755, Accounts Auditor at Patiala (formerly a *Khalsa* College student), supports the latter portion of the previous witness' statement; and adds the information that on the evening of that important date, February 19th, he met this accused in a *gurdwara* at Nabha. He belongs himself to the *Tat Khalsa*, which seet only recognizes the *Granth Sahib* as Guru; and he says that at the *Amrit* ceremony only the "Five Friends" (*Panj Piare*) and one *Granthi* are admitted. As other evidence has been produced on this point, we may say here that it was never suggested by the prosecution that this accused alone administered the *pahul* to any one; the statements by some witnesses that accused "gave so-and-so the *pahul*" only meant that accused was responsible for so-and-so's taking

it, i.e., to prove associations, etc, It is however, certainly news to us to learn from this and other witnesses that the *Amrit* ceremony is carried out almost in secrecy, instead of being a more public ceremony attended, at least, by the friends and relations of the person taking the *pahul*.

We now come to a batch of witnesses comprised in D.Ws. 792 to 888. The first of these is Sundar Singh, student, who says that in January 1914 he met the P.W. Ichhar Singh at his shop, where he went to buy cloth. Ichhar Singh then asked him whether he would go abroad, and offered to provide funds. The witness says he declined the offer; and some two months later told accused, who approved of his refusal. This witness also produces the letter (without any envelope), Exh D 52; and says that it was written by this accused in reply to a message conveyed by him on behalf of approver Udham Singh of Hans, who had been excommunicated for the religious offence of cutting his hair, and was anxious to be forgiven and receive the *Amrit*. The letter purports to have been written by accused on December 17th, 1914; and is no more convincing than the letter already remarked upon. It contains a violent denuniciation of *Har* Dyal's teachings; and it shows how much the writer really knew about the person whom he and his associates are alleged to have excommunicated (presumably, after a proper enquiry), since the letter speaks of Udham Singh's departing to America without the permission of the *Sangat* whereas, as a matter of fact, that approver went to Italy. This, in our opinion, is only another of several blundering attempts to manufacture false evidence. D.W. 793, a pensioned Sub-Assistant Surgeon of Ludhiana, and formerly owner of the *Punjabi Akhbar*, is one of those who tells us that the *Amrit* ceremony is a sort of secret ceremony; and tells us that accused is on bad terms with Hazara Singh for several reasons; and that accused instructs the girls of Basaur School in religious songs, and supported an offer of a *Sabha* to send some of them out to the war as nurses. D.W. 794 is a Nabha Munsiff, who tells us of accused's presence at Tara Singh's *bhog* in Mehmasinghwala during January 1915; but cannot recall the name of the person who had the *bhog* on *Basant Panchmi* day at Gujarwal. He says accused shifted from his village Narangwal to Nabha on February 15th. To continue with this batch of witnesses, a number of them have been produced to upset the prosecution dates for the *Akhand Paths* at the house of Ram Singh, Reservist (brother of accused Jagat Singh), at Gujarwal and the house of Gurbachan Singh at Dhandari. They attempt

to make out that the Gujarwal *Path* took place om thje 8th *Magh*, that is to say, *Basant Panchmi* day, the 20th January 1915; and that date is also intended to serve a second purpose, namely, to provide an *alibi* for this accused, who is alleged by the prosecution to have on that date attended a meeting at Lohatbadi at which school matters were, no doubt, discussed, but about which time seditious discussions took place also. (Evidence on this point has been given by P.W. Ichhar Singh; and, though we have all sorts of evidence produced that he is accused's enemy, we have already remarked on the tone of the letter, Exh P 172 A, and we can say that he was an unwilling witness against this accused, and did what he could for him — *vide* his cross-examination, his prevarications, and his statement that at a seditious discussion accused sat silent). Some of this batch of witnesses gives evidence intended to upset the date of the Dhandari *Path*; but they disagree as to whether any person came to Gujarwal to get the Dhandari date fixed. We have other witnesses speaking, about P.W. Indar Singh of Khanna's *Path*; as to P.W. Channan Singh's once making a false report (not concerned with accused); as to accused's warning *Khalsa* College students against Ajit Singh's lectures; as to accused's officiating at *bhogs* for the victory of the British Army, and proposing that 150 girls should go out as nurses to the war. Two witnesses (one is D.W. 841, an Honorary Captain, 15th Sikhs) tells us that Ichhar Singh promised Rs 2,000 to the school, which he never paid.

D.W. 804, a *Duffadar* of accused's village, is equally specific as the former witness as to the date, the 15th February; and we learn that accused not only encouraged recruiting, but that some four years ago he was anxious to be enlisted himself. D.W. 808 speaks of the enmity of P.W. Ichhar Singh and approver Sundar Singh; but he ascribes it to this accused's objecting their using undue influence to obtain funds for the school. D.W. 809 is a particularly unfortunate witness from the defence point of view, for the reason that, whereas we have been told by accused (*vide* answer to question 17 on page 488) that it is not his rule to wear black clothes (and consequently, he cannot have been seen in such garb at Mullanpur Station on February 19th) this witnsess tells us of accused's attendance at a *path dressed in black with a quoit (chakkar) on his head.* D.W. 815 is the Tarn Singh, mentioned already, at whose victory *Path* in Mehmasinghwala the date for the Gujarwal *Path* is alleged to have been fixed. D.W. 821 and other witnesses (who happened to go to Nabha about a marriage or on other business) saw accused there on the 8th

Phagan (19th February) and subsequent dates; and D.W. 825 (a Patiala *Zaildar*) tells an absurd story about the date. He went on the 8th *Phagan*, and again the next day, to get a law-book which had been translated by accused's father; and he saw accused at his father's house in Nabha on both those days. He did not produce the book in Court, and accused's father has not appeared as a witness. D.W. 826, who says he "is front of law," supports part of this story about the book. D.W. 840 says that accused's grandfather did good service in the Mutiny; and D.W. 837 repeats the story about Ichhar Singh's enmity and about accused's preventing his daughter from speaking at a public meeting in Lahore. It is this witness who asserts that he and accused returned from the Langa Mandi meeting in Lahore direct to Ludhiana-that is, not breaking the journey at Amritsar. This is an attempt Ichhar Singh's story re accused's suggestion of Sundar Singh, student, as a suitable youth to send to America to be educated for revolution; but the accused himself said nothing about not going to Amritsar. Then follows some witnesses as to character; after which we come to D.Ws. 845 to 848 (the first of whom owns land near Mullanpur Railway Station) who say they saw no black-robed men on February 19th; nor saw accused there; nor P.W. 46 Kishan Singh, *Zaildar* (whom accused alleges he baulked of a plague testimonial) getting out of a train. D.Ws. 840, 850 and 851 assert that Bhagat Singh approver's father incurred a religious penalty; and that Bhagat Singh has no qualifications himself as an *Updeshak*. D.W. 853 is a judge of the Patiala Chief Court, whose statement we are perfectly ready to accept. This gentleman was a member of the Managing Committee of the *Khalsa* College; and he testifies to this accused's having loyal notions up till 1910 — since which time, however, he has not seen accused.

D.W. 856 and others try to make out that "on the 19th" (they have obviously been tutored as to the date) Kishen Singh missed his train, and had to walk; and we have more witnesses produced to say they saw no black-robed men with "music" (i.e, the harmonium) at Mullanpur Station.

D.W. 861 is the Editor of the *Khalsa Akhbar*, who produced a copy of his issue of the 5th June 1914, reporting the proceedings at the Langa Mandi meeting at Lahore. This Court, at the time, made a note on the record that the tone of the speeches re the *Rikabganj Gurdwara* matter was (as reported) not moderate.

D.W. 862 attempts to support the assertion of approver Anokh Singh's enmity; but according to him, it was that approver's brother

who "served the *amrit* to dogs." D.W. 863, Editor and Proprieter of the *Rajput Gazette* (shown Exh.P 70) is unable to say whether the advertisement of seditious works by Ajit Singh and Sufi Amba Parshad formed a supplement to his paper; he says accused is not a subscriber. D.W. 865 says that the exhibit was not signed before him at the time of the search. He also happened to see accused got out of a train at Nabha on the 15th or 16th February. D W 864 is another Editor, who says that the armrit is always administered behind closed doors. D.W. 867 is father of the co-accused Nahar Singh, tells us of alleged Police malpractices; says that Kishen Singh told him he was only "obeying the Police" (up to this we had been led to suppose he was actuated by enmity); and alleges the enmity of Hazara Singh, *Zaildar*.

D.W. 868 returns to the story of Ichhar Singh's daughter not being allowed to lecture; and D.W. 870 confirms the prosecution dates of the 8th, and 17th *Magh* for Lohatbadi school meetings; and says accused was not there on the 8th.

D.W. 871, a Lahore Medical Student, identifies accused's handwriting in Exhs. D. 41 and 53. He also refers to accused's letter to him containing a message for D.W. 872. The envelope has disappeared. D.W. 872 produces the letter (Exh.D. 56); which, he says, he found in a book, and took out "when he heard that accused was going to be involved." That letter purports to have been written at Nabha on the 19th February; and is, of course, intended to support the assertion that accused departed to Nabha on February 15th. It contains expressions of loyalty also; and makes some mentions of recruiting. We are, however, entirely unconvinced by this kind of evidence.

D.W. 878 met accused in *Phagan*, "on the 14th or 15th of an English month." D.W. 877 says that the *amrit* is always administered in privacy. D.W. 876 (an Honorary Lecturerof the Gujranwala War Association) tells us that accused took a ticket for Ludhiana direct after the Langa Mandi meeting at Lahore; and also states:-"he once said to me, tearing up a newspaper in my hand, that Sikhs will suffer if they follow Ajit Singh." He further says that accused objected to the students of the *Khalsa* College according a reception to "a political man" like the late Mr. Gokhale; and he, too, asserts that the *amrit* is always administered in a conclave only consisting of the Granthis, the *Panj Piare* and the novice.

D.W. 880 (a *Vakil's munshi* of accused's village) met *Zaildar* Kishan Singh, who told him that he intended to give false evidence in the present

case because the accused had prevented his getting a plague testimonial. D.W. 883 says that accused got approver Sundar Singh (A.M.) penalished at Indar Singh of Khanna's *Path* for mixing with *chamars*. He says there was no secret meeting after the Dhandari *Path*; but, having presumably learnt his story incorrectly mixes it up with the *Path* at Gujarwal.

D.W. 885 (student) speaks of accused's loyal advice; and tries to support the defence story about the student Sundar Singh.

D.W.'s 886 and 888 (a young student of Jagraon School) concern the reading out of the letter Exh. D. 52 to Udham Singh of Hans; but the latter of them has forgotten its purport, in spite of its denunciations of *Har* Dayal and his doctrines.

D.W. 897 (formerly a *Khalsa* College student) speaks re the warning against attending Ajit Singh's lectures; D.W. 898 saw no black-robed men at Mullanpur on the 19th February, and says accused advocated recruiting; D.W 899 says he saw P.W. Indar Singh at Khanna on February 20th at a *Diwan*; and also P.W. Teja Singh, who had been there for some days reading the *Path*, was making himself unpleasant by ciaiming the whole of the offerings. D.W. 900 took his wife, a pupil of accused, to visit accused's wife on the 18th February, and stayed a day with accused. D.W. 903, Secretary of a *Singh Sabha*, testifies to accused's good character, and to a 3 days meeting at Kaonke, from February 20th to 22nd. The next witness saw accused and his family leaving the train at Nabha Station on the 15th of that month; and saw him in Nabha for several days afterwards D.W. 905 (uncle of accused) is also as to this *alibi*; and says he cannot identify Exh.P.70 (Rajput Gazette Supplement); but, though he says he can only write his name and is otherwise illiterate, he does not deny signing the *fard baramdagi*. We have other witnesses as to Bhagat Singh's inabilities as a preacher, Kishan Singh's enmity; and D.W 910, a Ludhiana Police Inspector, is produced to say that Gurbachan Singh showed him a letter about a *Path*; which he did not take, as he thought it was not necessary for this case. *D.W. 911 (mother of co-accused Arjan Singh) asserts the ill-treatment by the Police of P.W Indar Singh and his wife, Mussammat* Nihal Kaur; and D.W. 913 (brother of co-accused Jagat Singh) is to the same effect. D.W. 914 (the recalled Patiala Auditor) identifies Exhs. D. 41 and 56 as in accused's handwriting; but says Exh. D. 53 is not. That letter (dated 4th May 1915) only purports to be from 2 *Daffadars*, with a mention of sending accused money to get *Akhand Path* performed.

D.W. 920 is another witness who speaks of the *bhog* at Gujarwal as on *Basant Panchmi* day; and says that a man arrived during it to invite the singing party to Dhandari.

D.W. 973 (accused's brother-who, we notice, was not questioned as to *alibis*) produced Exh. D. 59, letters to accused from Soliders at the front about getting up *Path*; and we see no reason to doubt that those letters are genuine. The witness identifies Exhs D. 41, 52 and 56 as being in accused's handwriting. Curiously enough, D.W. 1001, who is actually a *lambardar* of Gujarwal, though he remembers the *bhog* with which accused Jagat Singh (brother of Ram Singh Reservist) was concerned, was unable or unwilling) to remember either the date or the month when it took place. D.W. 1002, a Patiala *Updeshak*, keeps a diary for his committee; and produces Exh. D. 61. The diary is mainly written up in pencil; and the witness tells us that such diaries are served out by the society by which he is engaged. However, his diary for the present year has no endorsement by the *Gyani* such as Exh D. 61 purports to have. He says that on February the 18th, 1915, he was at Majra village, and on the 19th at Majri; and that P.W. Indar Singh and his wife (P.W. *Mussammat* Nihal Kaur) were both at Majra, and Indar Singh alone at Majri, on those respective dates; and that he returned with both those persons to Khanna (Indar Singh's village) on the 19th. Neither this witness, nor his diary, impressed us any more favourably than did the letters already remarked on. D.W. 1003 (*chaukidar* of accused's village produces a Death Register, Exh. D. 62 re plague during February 1915; and says he saw accused carting away his goods. As we noted at the time, *alibi* page 819 the entry of February 17th appears doubtful)

D.W 1004 corroborates D.W. 1002 re P.W. Indar Singh's leaving Khanna on February 19th and arriving at Salana on the 20th (the idea, of course, being to show that P.W. Indar Singh was not on his way back from his mission to the *Bar* at the time; nor his wife in search of him at Ferozepore). D.W. 1005 met accused at Dhuri *gurdwara* on February 15th, where the train for Nabha stops for 2 hours. D.Ws. 1004 and 1006 are alleged carriers of accused's letters (sent by hand) to co-accused Santa Singh. D.W. 1007 (also named Randhir Singh) seems to have been produced with the object of making out that a person other than accused was at the Lohatbadi meeting; however, he denies that he was there.

D.W. 1035 says accused's character is very good, and that on the 8th *Phagan* (19th February) the accused asked him in Nabha about his

son's safety at the War.

Lastly, D.W. 1042, a pensioned Overseer of Patiala State, reverts to the alleged enmity of Sundar Singh (A.M.) and P.W. Ichhar Singh, and to Ichhar Singh's refusal to pay up a promised donation of Rs. 2,000 to a Girls' School near Basaur in which accused is interested. He says that the matter came up before the *Dewan*, that proceedings were entered in a register, that it was decided to separate Ichhar Singh from the school; and that he and Sundar Singh (A.M.) then set up a rival school at Lohatbadi.

This concludes the defence evidence. In justice to this accused we have given details of it at great length; but we may say at once, in a very few words, that it has utterly failed to convince us. It, of course, lies upon the prosecution to prove the guilt of an accused; but, while we believe the prosecution evidence as regards this accused, we cannot but remark on the wholesale perjury and concoction which we are covicnced has been employed in this accused's defence — some of the evidence being so utterly childish and transparent that we can only wonder that it was thought worth while to produce it in a Court of Law. It shows clearly the influence exercised by this accused (which, no doubt, made him the more desirable as a co-worker to the real leaders of the *Ghadr* Party) that he has been able to produce among his defence witnesses several persons holding respectable positions; and it is most regrettable that some of those persons should have been willing to lend themselves to giving false evidence, as they have done.

Counsel for the defence has, naturally, had an exceedingly hard task; and we are in no way convinced by his argument. A large portion of it consists simply of assertions in support of the defence witnesses on whose statements we have already commented. We certainly cannot accept the argument that P.W. Ichhar Singh was accused's enemy; and have already given reasons for that view. We have, we think, sufficiently commented on the alleged *alibis*, and the attempts made to upset the prosecution dates for Gujarwal and Dhandhari — and would only add that it would have been the greatest act of folly on the part of the prosecution to have attempted to concoct false dates for those meetings or a false story about accused's going to Ferozepore on February 19th. Counsel has urged that, had accused been a "conspirator," he would never have missed the Lohatbadi meeting of *Magh* 17th; but, while we disagree with the Governement Advocate that the letter, Exh. P. 172 A

shows from its context that accused was at the previous meeting of *Magh*, the 8th, it has never been the case for the prosecution that he was there on *Magh* 17th. That letter may contain a genuine expression of regret that accused could not attend a meeting about school matters; or it may possibly convey a hidden meaning as well (though accused, of course, took no part in the Jhaner dacoity which was discussed on *Magh* 17th); but the real importance of that letter to our minds is that it shows that accused was on good terms with P.W. Ichhar Singh. As regards the Ferozepore raid, Counsel for the decfence can only suggest that the raiders were "local people" not "outsiders". We have already given our conclusions elsewhere re the date of the visit of approver Anokh Singh and Kartar Singh (L.C.C.) to this accused at Dhandari. We also find no difficulty whatever, as was pointed out at the time to Counsel with a map, about the journey of Udham Singh of Hans from Ludhiana Station to Mullanpur Station. On such an important occasion he might well have started soon after 3 A.M. (not at 8 A.M. as Counsel suggests) and have covered some 26 miles by 4-30 P.M. the same day (*vide* page 197). We have already commented elsewhere on our conclusions as to approver Bhagat Singh's diary; and, as regards that approver, the defence Counsel has suggested that his enmity with accused was due to "their different modes of life" — apparently forgetting the defence evidence on the point. Though Counsel told us in argument that accused's father has been undergoing an operation, no defence witnesses were produced to show why he was not produced as a witness to most important facts in connection with a son with whom he is apparately, on good terms. As regards the advertisement of seditious books, it is now suggested that perhaps Hazara Singh, *Zaildar*, put it where it was found; or that it was "put there by some co-accused who wanted to get rid of it!" At the end of Counsel's argument comes an explanation regarding the defence allegations as to the privacy with which the *pahul* is administered; and we are asked to believe that perhaps the "meeting with closed doors at Dhandhari" only meant that some one was being given the *pahul* there!

Counsel for the Crown points out that the alleged enemy Ichhar Singh, on Jail Parade, was anxious not to identify, pleading "sore eyes" as an excuse. Our remarks about the name "Randhir" on the slip of paper are (as we have said before) purely speculative; but we cannot accept the suggestion of defence Counsel that it was this slip of paper which started the case against accused, who was mentioned by Ichhar Singh in the last

Lahore Conspiracy Case.

Exh. D. 27, by the way (the alleged letter from accused to the co-accused Jagat Singh) was, as Counsel for the Crown points out, never even proved in Court.

We see no necessity for pursuing the arguments of either Counsel further; and we consider the case against this accused overwhelming.

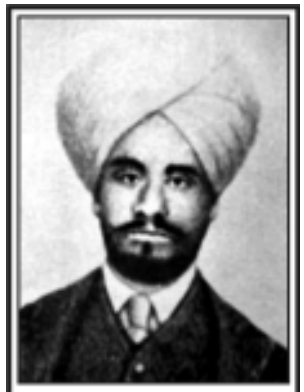
We do not desire to press anything against him.He appears to have been an ordinary loyal citizen, at any rate, until 1909 or 1911; and we daresay he continued to be one after that time. Whether he became a revolutionary because of some fancied grievances, or whether he joined the *Ghadr* movement under the impression that it would become popular and with a craving for notoriety, going about the country with a number of adherents, we shall probably never know. Of his guilt there can be no possible doubt whatever; and we cannot lose sight of the fact that it was his influence that brought several of the co-accused (including mere youths and the old man Ram Singh) into the dock. He is obviously a very vain man, belonging to a very strict seet; but he had not really the brains to become a *Ghadr* leader of the type of Kartar Singh, for instance. We are ready to say what we can in his favour; but it only amounts to this, that the idea of the Ferozepore raid did not originate in his brain. He and his party went there more or less under the orders of Kartar Singh of Soraba; but his readiness to comply with orders from *Ghadr* leaders is shown by the fact that he, a man of 38 years of age, was prepared to accept his instructions from a young man (almost a youth) like Kartar Singh of Soraba.

We are satisfied on the evidence that accused from an early period conspired to wage war on several occasions as above indicated; and that he committed an act of war in going to Ferozepore in a warlike array to attack the arsenal there; and we accordingly convict him under section 121A, 121, Indian Penal Code, **and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to Government.**

[Bhai Randhir Singh: In 1920 a petition requesting for his release was received by the local Government, but was refused. Three years later he was found to be concerned in carrying on surreptitious correspondence with his Akali friends in Punjab and complicity with Master Mota Singh and Kartar Singh of Nawan Chand (Accused No. 11 in

Second Supplementary Case) while he was imprisoned in Nagpur Central Jail. The question of extending clemency to Randhir Singh was taken up in 1928 but the local government was not in favour of his release. He was, however, released on 4th October 1930 subject to police surveillance for one year. He became the editor of *Akali-te-Pardesi* of which the first issue appeared on 19th March 1931. Since his release from jail he has been leading the life of a hermit and is held in high veneration by Akalis of Punjab (*Ghadr Directory*, 1933-34) — Eds.]

70. Ranga Singh alias Roda Singh,s/o Gurdit Singh of Khurdpur, Police station Kartarpur, District Jullundar, aged 30 (Ex-soldier):—


Ranga Singh

This accused,who pleaded"Not Guilty," to the charges framed against him (page 657), was one of those who returned (he says,from San Francisco) by the SS.Australien, along with accused Mastan Singh and others, reaching India on 21st December 1914.

He was arrested on June 27th.1915; and was interned on August 26th, 1915.

He was identified on Jail parade by approver Bachan Singh; and in Court by that approver (who gave both his names); Amar Singh,II, and 234 (the Hoti Mardan Sharabat sellers).

P.W. 225 could not identify him in Court.

We shall have, later, to consider with regard to this accused the confession of accused Pakhar Singh.

Approver Bachan Singh, who has identified accused both as "Ranga Singh" and "Roda Singh," states that accused was one of the *Ghadr* men visiting Pakhar Singh's well. He was at the garden assembly at Kapurthala on June 5th, 1915; and, when the attack on the magazine was postponed to the 12th, accused (armed with a pistol) was one of those selected for an attack on the Walla Bridge Guard; and was in a group with Banta Singh, Kala Singh and Channan Singh (Walla Bridge murderers-since hanged). According to this witness, accused and his group, and Atma

Singh and Harnam Singh eventually turned up near the bridge for this attack; but find the sentries alert, and withdraw; and accused departs in wrath, reproaching his companions for cowardice. Cross-examined (Page 193) the witness denies having seen accused in the *havilat*; and says that he only get to know accused when he started to visit the well of Pakhar Singh.

Approver Amar Singh, II, corroborates as to June 5th-and says that accused volunteered for the proposed attack on Walla Bridge.

P.Ws. 221 and 222 (tendered) concern the point that accused returned to his village on December 22nd, 1914, after 6 years abroad; and only stayed there some 24 days. P.W. 221, as *lambardar*, reported to the Police.

From them we also learn that accused used to be in service; and has a brother in the Guides.

P.W. 225 states that the Police brought a man who said that he had fed at the witness's house. The witness remembers 4 men feeding at his *gurdwara* shortly before the Gondwal ferry murder; which followed during the pursuit of the Walla Bridge murderers; but this witness cannot identify the accused.

P.Ws. 136 Inspector Hoti Mardan, 234 (a *sharbat* seller of Mardan) and 238 (Risaldar-Major in the Guides) are as to accused's arrest at Mardan. The *sharbat* seller tells us that Partab Singh, sowar, brought accused to his shop, calling him his brother, Roda Singh. Two months later, accused came alone; and in the evening brought 4 others. These persons wanted a *tonga* to get across the Border; but eventually the 4 men left, and accused was arrested. The inspector effected the arrest on the night of 26th-27th June 1915 at the *sharbat* shop; and found that 3 other Sikhs had left a few hours before. He learnt of accused from the Assistant Commissioner of Mardan, who got his information from the Officer Commanding the Gudies. Accused was asleep at the time of his arrest; gave both his names; said that he was a Budge Budge man, and had been wandering about. Accused had arrived at Mardan on June 25th; and said he had come from Nowshera. He had only his clothes and a *chadar*.

P.Ws. 360 (Inspector Harkishan Singh, C.I.D.), 223, 224 testify to the discovery by accused on 22nd August 1915 of the hand-printing machine, Exh P 108 B, from where it was buried by the roadside, near *Sangwal*. The first of these witnesses recorded the statement of accused, who said that he and another had buried it. The witness says that the

attesting witnesses were got at the Railway Station, as no villager was handy.

P.W. Mr Slatery (page 549) tells us that accused was registered as "Ranga Singh" by Mr. Isemonger when he arrived at Ludhiana.

This accused has been mentioned in the confession of co-accused Pakhar Singh as Roda Singh, who came with accused Ishar Singh and spoke to him in a most revolutionary strain. According to the witness, who keeps the *sharbat* shop at Hoti Mardan, Ishar Singh was another of those trying to get across the frontier).

Accused's statement appears at Page 492. He cannot remember on what ship he returned to India (it is proved that he returned on co-accused Ishar Singh's boat the Australien), and says he returned from San Francisco on account of want of work (due to the war). He says that his name is Ranga Singh, but admits that he gave his name to the keeper of the Mardan *sharbat* shop as "Roda Singh" in order to avoid arrest. He denies all allegations against him; says he used to be in the 30th Cavalry, and that he went alone to Mardan to demand his half share of patrimony from his brother Partap Singh in the Guides. He denies knowing anything about the hand-printing machine; says that the *sharbat* seller Ishar Das, who was arrested with him, is lying to save himself; and asserts that there was under-hand work on the part of the police at Ludhiana and Jutogh with respect to Bachan Singh, approver and P.W. Ichhar Singh. He is correct in saying that approver Amar Singh, II, did not identify him on Jail Parade; but he did in Court, and was not cross-examined. He says that his brother wrote about the share of patrimony to the Commanding Officer, who sent on the petition to the Deputy Commissioner.

In a supplementary written statement (page 554) he says that he left his village because the police were after returned emigrants. He repeats the story of his reason for visiting Mardan, and his allegations re identifications by witnesses.

Exh. D 77 is a police register produced to show that this accused and P.W. Ishar Das, *sharbat* vendor, were together in Mardan *havalat* for three days.

The defence witnesses are D.Ws 943 to 956 inclusive. The first of these is accused's brother, Partap Singh of the Guides Cavalry, who says that on his return from abroad accused demanded his share, which the witness said he would pay over in *Jeth* or *Har* after recovering it from

one Ichhar Singh, to whom it had been lent. Further, that he petitioned the Deputy Commissioner "to realize the money from Ichhar Singh and pay it to accused." (This seems an absurd statement; especially as the accused said that it was petitioned that the money should be paid "direct to Mardan"). The witness says that he has never heard of his brother as "Roda Singh;" that accused was anxious to enlist; and that his (the witness's) Risaldar Major (P.W. 238) bears the witness a grudge. D.W. 946 is the alleged debtor Ichhar Singh who says that "by order of a Deputy Commissioner" he repaid the money, to accused's brother's wife! The remainder of these witnesses gives utterly unconvincing evidence as to character; as to accused's leaving the village on learning that another returned emigrant had been arrested; as to accused's desire to enlist; and as to his name and the share of money. No documentary evidence whatever has been produced, not even regarding the alleged petition.

Defence Counsel has tried to make capital out ot the statement of approver Bachan Singh (who called accused by both his names) that accused "departed in wrath" from the first attempt on the Walla Bridge; and says that there is nothing to corroborate Ishar Das, *sharbat* seller; but we can see no reason for his inventing the story about men anxious to cross the frointer. We do not attach undue weight to the recovery of the hand-printing machine; but we know that revolutionists had such things, and as Crown Counsel has asked, why proceed to bury it, if it was not intended for anything objectionable; and he refers to co-accused Pakhar Singh's confession as corroborating Bachan Singh, approver. He points out how accused returned on the same ship as co-accused Ishar Singh and Uttam Singh, Mastan Singh and Pakhar Singh; was originally selected for an attack on Walla Bridge, and was angry when it did not come off on that occasion; and he urges that, by his presence at the Kapurthala assembly of June 5th, this accused abetted the Walla Bridge murders, which did subsequently take place.

We are satisfied that this accused came from America; and on arrival in India early got into touch with the Dhudhike revolutionists, was present at the Kapurthala gathering on the 5th June; was selected to form one of the Walla Bridge attacking party, and left that party before the final assault, because they would not attack at once; and when being searched for he tried to escape across the frointer.

We find him guilty under section 121 and 302/109, Indian Penal Code, and **sentence him to be hanged by the neck till he be dead**

and direct that all his property, liable to forfeiture, be forfeited to the Crown.

[Hanged in Lahore Central Jail on 18.06.1916. — Eds.]

71. Rur Singh *alias* Arur Singh *alias* Arjan Singh, son of Pal Singh, Jat, of Sangwal, Police Station Kartarpur, Jullundur.

[Absconded, but finally arrested and convicted in the Second Supplementary Lahore Conspiracy Case and sentenced to death. — Eds.]

72. Rur Singh, son of Samand Singh of Talwandi-Dusanj, Police Station Moga, District Ferozepore, aged 40 (lived at Dhudike, with his maternals):—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 658), is not a returned emigrant. He was arrested on 5th August 1915.

We shall have later to consider in connection with his case the confessions of 2 co-accused.

This accused has only one eye. It has been urged throughout on behalf of the defence that this bodily defect would render it a simple matter for witnesses to be tutored in order to identify him-the more so, since it would have been obviously impossible to collect a number of other persons with only one eye a piece on Jail identification Parades. However, it has also to be borne in mind, that such a defect would make him more noticeable to any ordinary observer who might have seen him, perhaps, only once. Mr. Scott (P.W. 10) has told us that on Jail Parade there were at least 2 other men with "bad eyes."

He was identified on Jail Parades by the following approvers and witnesses:— Bachan Singh, Amar Singh II, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95 and 101.

In Court, by the same 2 approvers; the latter of whom did not name him, but said he had seen him during *Jeth* in Kapurthala.

P.W. 83 failed to identify him on Jail Parade.

Approver Bachan Singh makes a lengthy statement about him, which runsas follows:— Accused was one of the *Ghadr* men who used to visit accused Pakhar Singh's well; and he was called, along with the witness by that accused, who said that accused Ishar Singh and Banta Singh (since hanged) "wanted some work done. Pakhar Singh then excuses

himself on the plea of ill-health and his being on security; and suggests that accused and the witness should go to Kapurthala for the proposed looting of the magazine. A consultation takes place, and accused leaves with the witness from Ajitwal Station for Kapurthala; attends the assembly in the garden there, and, when the date is postponed from June 5th to the 12th, accused is selected as one of the men for the attack on the Walla Bridge Guard. For this attack accused is in a group with the witness, accused Prem Singh and Lachhman Singh. On the way Prem Singh at village Khara introduces the witness and accused to Harnam Singh and Atma Singh (since hanged) and the party leaves at night for the canal bridge, where the gang of eight was to assemble. This accused is sent back by Prem Singh to fetch a bottle of acid left at Harnam Singh's house. The second group of four does not turn up; and on the next morning but one the witness finds accused with Atma Singh and Harnam Singh at Khara *gurdwara*; the other group turns up; and it is decided to attack the Bridge Guard the same night. Accused and the witness reach the bridge at sunset, and are joined by accused Ranga Singh's group and Atma Singh and Harnam Singh. However, the sentries at the bridge are found on the alert. The gang wander about to different places, whilst attempts are made to collect more men and arms, and to see whether it is possible to murder to collect more men and arms, and to see whether it is possible to murder "a Zamindar of Padri" (presumably Kapur Singh, who was subsequently murdered; he was a witness in the Lahore Conspiracy case); and a fresh decision is come to attack the bridge. The witness, accused, Harnam Singh and Atma Singh go to the *dera* of *Jata Dhari, Sadhu* and ask for cooking utensils; and a *lambardar* (P.W. 101 takes off the *Sadhu* on his mare to Tarn Taran *Massia*. On the night of June 11th, the accused and witness proceed towards the bridge; and are joined by Atma Singh, Harnam Singh, Banta Singh, Lachhman Singh, Channan Singh and Kala Singh; *prayers* are said for the success of the enterprise; and at about 1 A.M. the attack on the Walla Bridge Military Guard takes place, whilst a train is crossing over the bridge. The details of that outrage are well-known; and formed the subject of a separate case. A sentry and another man of the guard were shot; and this witness distinctly asserts that accused was with the assailants at the time when the setry was shot; but was found to have disappeared at the time when the rifles stolen from the guard were being packed up, and was afterwards found where the clothes and shoes of the assailants had been left. After

this, accused and the witness leave for Kapurthala; and on the night of June 12th meet accused Prem Singh near Kapurthala. The Kapurthala "Havildar" tells them of the capture by *Baurias* of accused Arjan Singh, Bir Singh, Kapur Singh (discharged) and Buta Singh (hanged). After the attack, the witness tells us, accused had exchanged turbans with Lachhman Singh. The accused and witness spend the might in a jungle; and next day meet accused 64 Pala Singh. Accused and the witness then have further wanderings (to Janatpura and elsewhere), and reach their homes.

This is a long and very detailed statement; and the cross-examination (page 192) amounted to next to nothing. The witness says that accused cultivates no land in the witness' village, but lived there for some years with a relation. He denies that he ever found accused coming out of his house; or beat him, or had a quarrel. The witness admits that he has no children; and the defence suggestion is that his wife, being dissatisfied with him, had an intrigue with this singularly unattractive one-eyed man.

Approver Amar Singh, II, who has identified accused both on Jail Parade and in Court, corroborates that he was the one-eyed man at the Kapurthala assembly of June 5th, and says that accused volunteered for the Walla Bridge attack. He had never seen accused before (Page 242).

P.W. 111 Randhir Singh sepoy of the 42nd Deoli Regiment identifies Exh P 72 as his *safa*, which disappeared during the Walla Bridge attack. It bears the witness's regimental number. P.W. 54, Superintendent of Police, Kapurthala, states that on September 28th, 1915, the Kapurthala "Havildar" Bhagwan Singh produced the *safa* (Exh. P. 72) and some clothes, which he said this accused and another man (apparently approver Bachan Singh) had made over to him the day after the Walla Bridge affair. P.W. 55 corroborates re production of the *safa*.

P.Ws. 79 and 80 (*lambardar* of Dhudhike) are as to the production by accused of the *safa*, Exh P 62 (the one exchanged with Lachhman Singh); and P.W. 220 Inspector Iqram-ul-Haq corroborates that accused produced it on August 5th at Dhudhike. The witness knew nothing about this *safa* until accused mentioned it; and Bachan Singh, approver's statement was not recorded till afterwards. Nothing suspicious was found on search of accused's house.

P.W. 287 (Inspector, Criminal Investigation Department) states that on July 24th, 1915, the co-accused Mohindar Singh gave away that accused and approver Bachan Singh had been to the Kaputhala assembly

and thence to Walla Bridge; and the witness and another Inspector went to arrest accused, who lives in *his relation's house at Dhudhike*. The witness denies having heard accused then asked to produce anything.

We have also a number of prosecution witnesses (*vide* P.Ws. 83 to 95 and 101), in respect of accused's wanderings both before and after the Walla Bridge affair. They belong to villages mentioned by approver Bachan Singh, such as Khara, Janatpura, Chitti, Gandran and so on; some of them identified accused simply as a "one-eyed" man, and have said that he came with the police and pointed out their houses. We find him mentioned by them as in company with approver Bachan Singh, accused Prem Singh, Atma Singh and Harnam Singh (the two latter being Walla Bridge murderers. P.W. 89 (Sub-Inspector of Tarn Taran) testifies (re these wanderings) to the report made by one Sodhi Jawand Singh (Exh. P.84 of June 11th, 1915,-the actual date of the Walla Bridge attack P.W. 101 (Bishan Singh, *lambardar*) corroborates an item in Bachan Singh's statement; he is the *lambardar* who took off the Sadh on his mare to the *Massia*. He was on his way to Tarn Taran with revenue at the time and saw accused and Bachan Singh in Thattha at the Sadh's; and he actually produces a revenue receipt, dated the 11th June 1915. Cross-examined, he says that Bachan Singh identified him at the *thana*; and that he said he could identify a one-eyed man.

The co-accused who have mentioned this accused in their confessions are Pakhar Singh and 64 Pala Singh. The first mentions him by name, and as a one-eyed man who went with approver Bachan Singh to the first Kapurthala meeting (that of June 5th, where the attack on the Walla Bridge Military Guard was decided on) and again as returning some days later with Bachan Singh; and the confession runs— "Rur Singh and Bachan Singh told us that they were also among those who had seized the rifles at the bridge, but they did not tell me the name of the bridge, which they said was near Amritsar; and that they had also attended the second meeting at Kaputhala." The co-accused (64) Pala Singh corroborates that this accused and Bachan Singh attended the first Kapurthala assembly; and he mentions meeting the same 2 persons together on his way hime after his visit to Kapurthala for the second meeting. (We may certainly conclude that, had there been any desire to concoct evidence, we should have had some mention of the bridge attack from Pala Singh; and that Pakhar Singh would have been tutored to know the name of the Bridge).

Accused's statement to this Court will be found at page 494. He, of

course, denies all allegations against him; and did not know accused Prem Singh (sentenced in the Padri case); nor exchanged turbans. He says that, being one-eyed and deaf, he could have been of no use. He says that the *safa*, Exh. P. 62, is his own; and that the Police maltreated him, and, along with Bachan Singh, approver, took him about to various places. He says that he cannot imagine why he has been arrested; but that Bachan Singh is his enemy.

His defence witnesses are D.Ws. 579 to 588 inclusive. The first of them (they all come from Dhudhike village) says that accused was hard of hearing, and attended on him for 1½ months from the middle of *Bisakh* when the witness (an ordinary *tarkhan*) was ill. He was actually treated by a different person. Others of these witnesses allege quarrels between Bachan Singh, approver, and accused about folder and a marriage. Three of them used to see accused wearing a *safa* made of *tassar*, which the Police took away. The evidence is utterly worthless.

Counsel for the Crown contented himself with saying that there was an overwhelming case against this accused; and asked that sentence of death should be passed.

The arguments of Counsel for the defence really amounted to very little. He urged that certain approvers did not mention this accused; which does not look like tutoring. He rightly urged the point, what qualifications a deaf and one-eyed man (who would be very noticeable) would have as a member of a raiding party?-but we were told by Amar Singh, II, approver, that accused volunteered for the work; and he would, of course, have been useful to watch the clothes, etc., of his companios, and to help carry any loot. It is urged that there were no other one-eyed men on jail parades; naturally, it would be difficult to select such persons for parades; naturally, it would be difficult to select such persons for parades, and we are quite prepared to agree that accused was easy to identify. We are not prepared to believe that the story re the *safa* was invented, nor the evidence produced to show that Bachan Singh is an enemy. Accused,s Counsel has also urged that the confessions of accused in the Walla Bridge murder case only speak of 6 men; not 8 men. Counsel for the Crown has objected to the admissibility of this; but it suffices to say that at the time of that case there was not so much information about the Walla Bridge affair as there was later on; and that accused persons frequently omit the names of others not in the dock with them.

In short, we do not believe that this accused has been wantonly

implicated; and the case against him is heavy in the extreme.Even if we were to at all discount the evidence that accused, on account of physical infirmities, took no part in the actual attack, still, the part played by him would render him liable to a capital sentence.

We are satisfied on the evidence that accused was one of the revolutionists who foregathered at Dhudike, was present in the projected Kapurthala raid on the 5th June was selected as one of the persons to attack the Walla Bridge, was actually present in the intial assault when two men were murdered, but retired before the end. He was not one of the actual murderers, but was present at the time of the murder, aiding and assisting the murderers, and is equally guilty with them.

We accordingly find him guilty of waging war under section 121, Indian Penal Code, and of murder under section 302, and **sentence him to be hanged by the neck till he be dead, and direct that all his property liable to forfeiture be forfeited to the Crown.**

[Hanged in Lahore Central Jail on 18.06.1916. — Eds.]

73. Sadhu Singh, son of Sher Singh, of Sur Singh, Police Station Khalra, District Lahore, aged 28:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 659), is alleged to have sailed from San Francisco by the s.s Korea, and to have disembarked at Shanghai with the notorious Nidhan Singh (L.C.C.) to bring on revolutionists. The accused admits sailing from San Francisco by "either the Korea or the Manchuria and from Shanghai to India on a Jardine Company boat. It is now admitted by the prosecution that he was not a *Tosha Maru* passenger, as was thought at first.

He was arrested on the 12th September 1915. We shall have later to consider in connection with him the confessions of co-acussed Labh Singh of Waltoha and Kesar Singh.

He was identified on Jail parade by approver Natha Singh, who said that he had seen him at gatherings but that "he was concerned" (Natha Singh belongs to accused-'s village). Also by approver Nawab Khan as having come by the Korea In Court by approver Sundar Singh (W.G.) after a little thought; Natha Singh, Nawab Khan, and Umrao Singh (who did not name him, but said he had seen him at Frisco when embarking on the Korea).

Approver Kala Singh failed to identify him in Court — on the ground

that accused was "not well dressed," but said that his name was well-known at the Jhar Sahib. Approver Bhagat Singh wrongly identified this accused as accused Uttam Singh.

As regards the statement of approver Sundar Singh (W.G.), the witness, though he spoke of a "Sadu Singh of Sur Singh," did not seem to be same (*vide*, for instance, the middle of page 76 of the record) whether it was the accused who reached Amritsar on Dewali day with Mathra Singh's party; belonged to accused Gujar Singh's party there; and was at Tarn Taran *Masya*. However, he says that accused accompanied him and Indar Singh of Sur Singh (L.C.C.) to the Jhar Sahib, where they met other accused. About November 22nd, 1914, accused leaves his village with the witness and Indar Singh; and is present at the Jhar Sahib gatherings of November 23rd and 26th. Cross-examined the witness says that he has often seen accused; and that he entered his name in the Khairon note-book (Exh. P. 1), after seeing him there. This is not a fact. He admits that he failed to identify accused at Amritsar; and attributes his slight hesitation in Court before us to accused's beard.

Approver Natha Singh states that accused, along with accused Budha Singh and Channan Singh, visited him, talked *ghadr* and incidentally tore up two photographs of Europeans at the witness' *baithak*; saying he had done the same at Howrah Gudwara. He tells the witness that he has visited accused Gujar Singh, Wasakha Singh and Natha Singh of Dhun. Next morning, the witness, accused Budha Singh and Channan Singh go to Bhure; where accused and Channan Singh separate, but return next day saying that they had seen Lal Singh of Bhure at the Jhar Sahib, who had taken them to his house and showed them some *chavis*, and had told them that a blacksmith of Shekh village was making more. Accused (according to this approver) asked the witness to attend the *Masya* at Tarn Taran; named to him some *ghadr* "leaders" who were to be at a meeting there; attended himself, and took the witness to accused Ganda Singh Nihang; and accused talked *ghadr* with Budha Singh and Ganda Singh Nihang "in a foreign language". Some days later Ganda Singh tells the witness that accused has brought a message from Channan Singh, re assembling at the Jhar Sahib that night for a rising — which, however, is postponed. Accused, later, attends the Jhar Sahib gathering of November 26th; the Khairon mound assembly; takes part in the abortive attempt on Sarhali *Thana*, and goes on to the Zamindar of Dhun. Cross-examined, the witness says that at the Amritsar Jail Parade identification

(5th October 1914), he said that accused had been at the Jhar Sahib and Khairon; but, according to the note made at the time, the witness then said that he "had not seen him at gatherings, but he was concerned," presumably concerned in the *ghadr* movement — *vide* page 42 of our record. The witness denies that P.Ws. Dharm Singh and Ujagar Singh are his chelas.

Approver Kala Singh states that he has known accused since the *Ghadr* started. He says that accused attended *Ghadr* pamphlet recitals at the Jhar Sahib; and the gathering of November 26th. In cross-examination he says that when he used to know accused, accused wore a beard, trousers and black coat.

Approver Nawab Khan, who tells us that accused sailed on the Korea, says that this accused and the notorious Nidhan Singh (L.C.C.), Piara Singh (L.C.C.) and others disembarked at Shanghai to bring revolutionists; and that accused left San Francisco as one of the *Ghadr* Party.

A "Sadhu Singh" is mentioned in the confessions of co-accused Kesar Singh and 49 Labh Singh. The former, who says that his original village is Sur Singh (the Magistrate has mistakenly written "Surat") states in his confession that Sadhu Singh and others came to him there and asked him to join in dacoities; and later asked him to come to a gathering at the Jhar Sahib. They threatened to kill him for refusing to go, reminding him that he had "come with them from China." The second co-accused mentions Sadhu Singh of Sur Singh as at the Khairon mound assembly.

Accused's statement before this Court appears at Page 495; and a supplementary written statement at Page 533. Denying all allegations against him, he denies knowing approver Nawab Khan, says he reached Calcutta some time prior to the date of the Tosha Maru's arrival; and gives as a reason for his return that his brother sent for him after an absence of six years, and that he had *gone abroad soon after his marriage*. He admits disembarking at Shanghai; says that his ticket took him no further; and that he had to realize some 300 dollars from one John Snowden there. He disembarked alone; and later, reached Amritsar alone a day or two after Dewali. He did not know either accused Gujar Singh or "Dr" Mathra Singh. He says that he reached his village Sur Singh on October 20th, 1914; and was restricted and never left it. He says that he beat Natha Singh approver, in a quarrel over a *Mirasan*; and that Bhai

Ganda Singh of Sur Singh got him implicated in an assault case (in which he was acquitted) at the instance of Natha Singh. Natha Singh admitted in cross-examination that Bhai Ganda Singh was his *bhaiband*; but denied knowing whether he had been put on security. Accused asserts that at the Amritsar Jail identification Natha Singh said that accused was "not in any gang" (this is incorrect-what Natha Singh said was that he had not seen accused at any gatherings, but that he "was concerned"). In his statement before us, however, he implicated him in the Jhar Sahib and Khairon gatherings. Accused winds up his statement by recounting the services of his military relations.

In his written statement the accused further said that he had helped one Lachhman Singh against Natha Singh, who suspected a liaison between Lachhman Singh and his wife. This was denied by Natha Singh in cross-examination; but he added the ridiculous statement *that he did not know his own wife's name*.

Exh. D 75, certified copies of a case under section 316, Indian Penal Code, has been put in to prove enmity between accused and the aforesaid Ganda Singh. It is a case of 1914.

The defence witnesses are D.Ws 662 to 676 inclusive, and 698. The first of them asserts that during the days of the Jhar Sahib meetings accused was all the time attending a *bhog* in Sur Singh. This witness admits that he was a co-accused with this accused in Ganda Singh's assault case; and he supports the story that approver Natha Singh has turned out his wife, suspecting her of an intimacy with Lachhman Singh. He supports the story that Natha Singh has a *Mirasan* as mistress (a point made use of by several accused); but admittedly has very little information about her. The remainder of the first batch of witnesses generally corroborates these assertions; and some of them add that there are other "*Sadhu* Singhs" in the village, including another returned emigrant of that name, and that accused was in his village at *Massia*. D.W. 666 says that accused was recalled to India by his brother and mother-in-law. D.W. 670 tells of accused's relations' services. D.W. 673 (brother of accused) and D.W 674 tells an unconvincing story about two men in plain clothes with whistles, who were suspected to be "policemen" coming to the village and taking away a photograph of this accused (the suggestion is that it was wanted to help the approvers to identify). Admittedly, no receipt was taken when the photograph was handed over; the story strikes us

as overdone; and it probably originated out of the point urged about the photograph of another accused or from the mention of photographs by Natha Singh. D.W. 676 the father-in-law of Natha Singh, approver, says that Natha Singh has turned out his wife (who is with the witness), and is keeping a *Mirasan*, and that a report has been made to the Police. D.W. 698 endeavours to support the story of the photograph; and supplies the names of the *Mirasan* and her father. However, he adds that she recently died in child-birth at Natha Singh's house. An attempt has also been made to show enmity of accused's uncle with Indar Singh (L.C.C.), i.e., that accused and Indar Singh could not have associated together. We may say here that possibly there may be some truth in the story that at some time Natha Singh was mixed up with a *Mirasan*; but several accused have seized on this as a reason for personal enmity against themselves, and we have to consider what proof there may be of his enmity against the particular accused concerned.

After a careful consideration of the whole of Natha Singh's evidence against this accused along with the defence evidence, we are inclined to discount the value of this approver's statement, so far as this accused is concerned. Defence Counsel is wrong in arguing that approver Sundar Singh thrice failed to identify accused on Jail parades; he failed once, but identified him in Court though after a little thought. Approver Kala Singh gave his reasons for being unable to identify in Court (see back); and was not at any Jail parades. Counsel certainly makes a point in saying that accused's name is not in the Khairon note-book; and neither Sundar Singh nor Kala Singh mention him as being there, though Natha Singh does, and the confession of one co-accused mentions a "Sadhu Singh of Sur Singh" as having been at Khairon. The prosecution has had to admit that this accused did not arrive by the *Tosha Maru*, as they thought at first he did. Approver Bhagat Singh mistook this accused on Court parades for accused Uttam Singh; Umrao Singh could only say that he had seen him embarking on the "Korea;" and Nawab Khan's story leaves him disembarking at Shanghai. We have also to take into consideration that accused has been unable to produce the person "John Snowden" to support his story.

Counsel for the Crown has referred us to page 346 for a mention of a "Sadhu Singh" by approver Amar Singh, I, but we can find no such mention; and that approver failed to identify accused at all.

Taking all these matters into consideration, there remains doubt in our minds as to whether the prosecutions have not got hold of the wrong man-who may possibly be some other Sadhu Singh, returned emigrant, of the same village, and we accordingly **acquit** him.

A.A. IRVINE,
The 30th March 1916 President, Commission

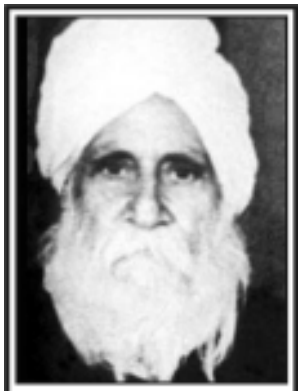
SHEO NARAIN,
Special Commissioner

I dissent from the acquittal, but as my colleagues are in doubt it is unnecessary for me to record my reasons for considering the case established.

T.P. ELLIS,
The 30th March 1916 Special Commissioner

74. Sajjan Singh, son of Mihan Singh, of Narangwal, Police Station Dehlon, District Ludhiana, aged 16 (student) :—

[Jail Escapee, who was re-arrested as Sasaram on 03.04.1918 after an assault by mob of locals along with 5 others, namely, Arjan Singh, Ganda Singh, Gujjar Singh, Inder Singh and Pala Singh. — Eds.]


Sajjan Singh

This accused, who pleaded "Not Guilty", to the charges framed against him (page 661), was a Ludhiana student. He was one of the accused in the Lahore Conspiracy Case, and was alleged to be absconding. He was arrested on 19th June 1915; and a large amount of evidence has been produced against him.

He was identified on Jail parades by approvers Wasawa Singh, Balwant Singh ("went with me to the Cavalry"), Anokh Singh, Udham Singh of Hans, Sucha Singh and Amar Singh I.

In Court by approver Wasawa Singh, Balwant Singh ("was told he was Sajjan Singh-went with me to the Risala"), Udham Singh of Hans, Anokh Singh, Mula Singh (as "possibly the student who came to me")-Amar Singh, I, Sucha Singh and (349) Jaimal Singh (student).

Approver Puran Singh did not identify accused either on Jail parades

or in Court; and it is also necessary to note that *accused, during the identification parades for Wasawa Singh, approver, managed to slip out of Court; but was brought in; and was at once named by that approver.*

Approver Puran Singh states that shortly before the Police raid on the Lahore *Ghadr* house No 1 (which took place on the 19th February 1915) the approver Wasawa Singh told him that approver Balwant Singh had brought to the lines of the 23rd Cavalry in Lahore Cantontment "a boy of the *Ghadr* Party" — whose name the witness learnt later from Wasawa Singh was Sajjan Singh.

Approver Wasawa Singh states that Balwant Singh, two months after his (Balwant Singh's) enlistment in the regiment, brought the accused to the witness' quarters, introducing him as "a member of the *Ghadr* Party" who had come to visit Lance-Daffadar Lachhman Singh. The accused then talked of bombs and typewriters; said that a rising would soon take place, and that Indian troops were required, gave 10 copies of the *Ghadr Sandesa* for distribution, and stayed with the witness for the night. In the morning, the witness takes accused to Lachhman Singh Later on, Lachhman Singh says that the *accused is too young to be trusted.* Cross-examined (Page 132) the witness says that he had never seen accused till he came to the lines; and that only Balwant Singh was present when the revolutionary papers were made over.

Approver Balwant Singh tells us that on the 18th February 1915 (that is, the day prior to the Police raid in Lahore) he met at a Lahore *Ghadr* house this accused, and a "*Pagriwala Babu*" (possibly Jumna Das of the L.C.C.), who gave the witness a few copies of the *Ghadr Sandesa* for distribution in the regiment. Approver Amar Singh, I then sends accused after promising to join in the rising. A copy of the *Ghadr Sandesa* is afterwards found at the witness quarters in the Lines; but a Sub-Inspector (who is unable to read it) is told that the paper has only to do with signaling. Cross-examined (Page 144) this witness said that accused was not at the *Ghadr* house the first time he went there; and that accused told him that Amar Singh had sent him with the witness, It can of course, be seen readily what a lack of cross examination there is of these approvers, and other witnesses also; yet we are to suppose that a regular plot has been concocted to get this youth into trouble.

Approver Udham Singh of Hans tells us that during the first week of January 1915 he met accused and approver Anokh Singh (students then at the *Khalsa* High School) in Ludhiana, whom he had known before.

Accused told them he was acquainted with accused Uttam Singh who had been to a *Path* in his village; and, later, accused took the witness to the *Islamia High School Boarding House*, where they found approver Sucha Singh, Dr. Mathra Singh (absconder), Kartar Singh of Soraba (L.C.C.) and others. There the accused tells Kartar Singh that the witness knows accused Uttam Singh; and that the witness, though he has been abroad, is ignorant of the outside world. He also tells the witness the names of those present, and that they are men of the *Ghadr* Party. Accused Uttam Singh later tells the witness that it was he himself who told this accused to enlist the witness in the *Ghadr* Party. On January 30th, 1915 (the day following the Jhaner dacoity), the witness visits accused and approver Anokh Singh; and tells them about the dacoity. In cross-examination the witness (Pages 205, 206) says that he was not a special friend of accused; merely a fellow student. He did not mention him in the Lahore Conspiracy Case (accused was then alleged to be absconding); and intentionally in that case did not identify Kartar Singh of Soraba; whom he, however, identified in the condemned cells in connection with the present case. Accused never complained of him to a teacher; nor did the witness' brother break accused's lamp-chimney.

Approver Anokh Singh, also, has a long story about this accused, which runs as follows:— In 1914 he and the accused lived together when studying at the *Khalsa* High School at Ludhiana, and used to take their meals at the shop of one Kashi Ram. About the beginning of January 1915 Kirpal Singh, a student of the Islamia High School, showed the witness a copy of the *Ghadr-di-Gunj*; which the witness and accused read at home, became imbued with its pernicious doctrines, and commenced to absent themselves from school. Kirpal Singh then brings Nidhan Singh (the notrorious revolutionist of the L.C.C. — who was also identified by the witness in the condemned cells), who fills the youths up with *ghadr* ideas; and, later, Nidhan Singh brings Jagat Singh (L.C.C.), Jawand Singh, absconder, and Ram Rakha (absconding in the Lahore Conspiracy Case), whom the witness and accused put up. Jagat Singh takes the witness and accused to the student approver Sucha Singh where they meet Kartar Singh of Soraba, who advises them to quit school and join the *Ghadr* party. Next day, Jagat Singh and Jowand Singh put up with the witness and accused; who hear in the evening of the Sahnewal dacoity of the previous night (January 23rd, 1915). Next day, the witness, accused, Jagat Singh and Jowand Singh go to approver Sucha Singh's

and there meet Kartar Singh of Soraba and Dalip Singh (the approver who died of cholera during the Lahore Conspiracy Case, before he could give his evidence) and the witness and accused are detailed to show the road to Mansuran; and next morning Jagat Singh and Kirpal Singh tell them about that dacoity which took place on Januray 27th. The accused Jagat Singh and the witness then go to Sant Gulab Singh's *dharmsala* in Amritsar, the witness carrying Jagat Singh's pistol, where they meet Gurmukh Singh (L.C.C.) and sleep. Next day, Nidhan Singh gives the witness and accused Rs. 5 to return to Ludhiana; and in their presence tells Jagat Singh that he has been to Hoti Mardan and has met at Lahore Station the notorious revolutionist Parmanand of Jhansi (L.C.C.). Accused and the witness, after making over Jagat Singh's pistol return to the school at Ludhiana; and, about the middle of February, Jagat Singh turns up, saying that he has been sent to *fetch them*, in case, being only youths, they may disclose *ghadr* movements. The witness finds that accused has been already sent off; and goes with Jagat Singh to Amritsar, where he hears of the arrest of approver Mula Singh (which took place on February 13th). At the conclusion of his examination-in-chief the witness adds that, when he and accused were reading the *Ghadr-di-Gunj*, Nidhan Singh told them how approver Sucha Singh had stuck up seditious notices; and suggested their doing the same; and the witness says that accordingly, he and accused copied out some lines and affixed them to the wall of the *Khalsa* High School.

We decline to believe that this detailed statement was concocted by some, one, and taught to this witness; or that he invented it; but what does the cross-examination elicit (*vide* page 247)? Accused and the witness had adjoining rooms, with a verandah; he has never seen accused since Jagat Singh made him leave Ludhiana; he does not owe accused Rs 15. That is all. In reply to a question by the court he dnied that he had ever given his own name as "Sajjan Singh."

P.W. 312 (a teacher in the *Khalsa* High School, Ludhiana) states that accused was absent from the 2nd to the 5th February 1915, and from the afternoon of the 6th; and his name was finally struck off on the 15th. Anokh Singh's name was struck off on the 17th. Cross-examined, he says that the 7th and 8th of February were holidays; and that he never heard any complaints against accused.

Approver Mula Singh tells us that he met accused and Kharak Singh (the student sentenced in the Lahore Conspiracy Case) at the shop of

"Doctor" Hardit Singh (L.C.C.) in Amritsar, who said they had come to meet Jagat Singh and the Anarkali murderer; and he sent them to Ludhiana to try and secure a house there. On the day of his arrest (February 13th) he saw this accused, and accused Prem Singh and others at the Amritsar house known as "*Mussammat* Atri's house". Now, this was the day when Anokh Singh reached Amritsar with Jagat Singh; but Anokh Singh does not say that he saw Mula Singh there; and says that he did not see the accused there. There is, of course no reason why he should have done so; but the point deserves mention because, had Anokh Singh been repeating a concocted story, nothing would have been simpler than to have taught him to say that on that day in Amritsar he had actually Mula Singh or accused, or both those persons.

Approver Amar Singh, I, tells us that about the 10th or 14th February he finds this accused at Gulab Singh's *dharmsala* with Nidhan Singh, Jagat Singh and Kharak Singh, student; and tells Nidhan Singh that the 21st has been fixed as the date for the rising. On the 14th or 15th the witness, accused and others come in to the Lahore *Ghadr* House (No. 1) to consult Rash Behari. On the 16th or 17th, the accused and Parmanand of Jhansi are sent to Amritsar to bring in articles left there by Mula Singh prior to his arrest, and they return on the 17th with some bombs and a country-made revolver. The same day (approver Balwant Singh made the date the 18th) accused and Balwant Singh Sowar are sent to the 23rd Cavalry to see if people are ready; and accused returns next day, saying the men are ready. On the morning of the 19th, accused is sent to Mian Mir to give notice of the change of date; returns saying *that the notice is too short; and by this means the Police spy, Kirpal Singh, becomes aware of the change of date*. By this time the spy has fallen under suspicion; and accused is put on to shadow him; but, the spy abusing him, he returns and is sent out again to Mian Mir to make enquires about the spy. In cross-examination the witness says that the bundle of *Ghadr Sandesa* was actually given to Balwant Singh to carry; but that accused accompanied him; and that, similarly, it was Parmanand of Jhansi who actually carried the loaded bombs and empty ink pots for bombs, etc., in a bundle from Amritsar.

Approver Sucha Singh states that he first met accused at Narangwal and that he, accused, Anokh Singh and the student Puran Singh (L.C.C.) were all students at the Ludhiana *Khalsa* High School. Prior to the Sahnewal dacoity a conference took place at his room, at which Kartar

Singh (L.C.C.), accused Bir Singh, the Anarkali murderer and others were present; but the students were kept outside the room. A few days after the Mansuaran dacoity, the accused came with Jaswant Singh, abscinder (alias Jawand Singh), who had 2 letters from Kartar Singh for the witness and Dalip Singh (the deceased approver) to the effect that they were wanted "for responsible work;" and accused and Anokh Singh put up Jawand Singh for the night. On February 12th, Anokh Singh tells the witness that accused has left for Amritsar the night before and that he is going there (compare the statement of Anokh Singh).

In cross-examination this witness says that, when Anokh Singh and the accused came to his Boarding House, Jagat Singh, Jaswant Singh and Ram Rakha did not talk before them; and, when accused enquired where they had gone, the witness merely replied "where they had to go". He also denies that accused ever complained about him to the Headmaster of the School.

P.W. 349 (Jaimal Singh, student of the Islamia High School, Ludhiana) states that accused and Anokh Singh visited Kartar Singh of Soraba, who taught them to make bombs. Puran Singh (student — L.C.C.) told the witness that approver Sucha Singh (who also makes mention of duplicators) had left duplicators at Anokh Singh's and accused's; and the witness went and got a duplicator; and, later, he threw the duplicator into a well, and the duplicated copies into another; and subsequently pointed out to the Police the well where the duplicator, Exh. P. 162 was found. The actual person who made over the duplicator was some small boy-not the accused. The bundle of duplicated copies of the *Ghadr Sandesa* is Exh. P. 164 (*vide* P.W. 294 as to the recovery from a well on 23rd February 1915).

Accused's statement made before us will be found at Page 497; and his supplementary written statement at Page 534. Denying all allegations against him, he says that he never absconded, but was at Chak No 530, Lyallpur, ill part of the time; and that, when he went off to his village, his name was removed from the school rolls. He says that approver Anokh Singh was a fellow-student at the *Khalsa* High School, Ludhiana, living in an adjoining room, and that approver Sucha Singh was at one time a fellow-student of his; and Puran Singh likewise. He asserts that he has never been to Amritsar or to Lahore. [Questions 34 to 36 inclusive were inadvertently framed and the matters therein referred to do not concern this accused].

The accused concludes his oral statement by saying that he reported against Sucha Singh for misbehaviour; and that another fellow-student, Kharak Singh (L.C.C.), was also arrested by the Police. In his written statement (Page 534) he repeats that he left Ludhiana for Chak 530 because he was ill, and had run short of money; and because plague had broken out in Ludhiana. He was then ill, and engaged in cultivating; and one day the Police called at his house when he was out getting opium; and next day he *presented himself before the Lyallpur Police*. Though his own village is Narangwal (the village of accused Randhir Singh), this is accused's story put forward to account for the difficulty experienced in finding him for some months-namely, that for five years his people have been living in the colony. It requires no intelligence to see at once that, had this story been true, information as to accused's whereabouts could have been readily obtained either from Narangwal, or from the authorities of his school. He suggests that as Kharak Singh, student had been arrested at Lahore on the 19th February (he was one of those arrested in the Lahore *Ghadr* House No. I at the Mochi Gate; and was sentenced in the Lahore Conspiracy Case) and as Puran Singh, student, had been arrested in Ludhiana, the Police suspected the school; and, finding accused absent from his village, suspected him also. He ends this palpably false statement by throwing himself on the mercy of the Court and offering to go to the Front.

The Defence witnesses are D.Ws. 458 to 472 inclusive. It would really suffice to say that we do not believe a word of their evidence, which endeavours to bolster up accused's assertious. A sample of it is afforded by the statement of accused's brother D.W. 472, who says that accused's family has been living in Chak 530 for the last 15 or 16 years (accused's father has not been produced at all). The witness goes on to say that the family land in Narangwal is let out on contract; and that accused reached the Chak on "February 8th," and remained ill for a month. He did not say that he had come on leave; and was not treated for his fever by any *hakim*, as the family could not afford one besides; there was no *hakim* in the village. His brothers (the other brothers have not been produced) took him to the *Thana* on June 18th; two days after a Sub-Inspector had visited the Chak to find him. It was admitted by other witnesses that accused's father and brothers own no land in the Chak; and that it is an uncle's land that is cultivated by them. D.W. 466 states that on the day that the *Thanadar* came to the village, the accused was

away getting opium for his uncle.

This kind of evidence is worse than useless.

We entirely agree with Counsel for the Crown that there is an overwhelming case against this accused; and he urges that accused's youth should not save him (accused gives his age as 16; but is, in our opinion, some what older), and that his offences include the most serious one of tampering with troops.

Naturally, Counsel for the Defence could not make out a good case for his client. Even if we were able to accept the plausible suggestion that approver Amar Singh, I, (who was able to identify accused in Court) had not seen this accused, but Anokh Singh, approver, in Amritsar (Counsel refers to a statement at the bottom of Page 349), there would still remain all the rest of the prosecution evidence against this accused. However, the statement of this approver at the bottom of page 350 shows that Amar Singh, I, knew this accused and approver Anokh Singh as two separate persons.

Counsel then asks why this accused should have been sent with Balwant Singh to the Lines, when Balwant Singh could have taken the news himself? The obvious answer is that someone was required to take news of the 23rd Cavalry back to the Lahore *Ghadr* House. It was urged that approver Mula Singh did not identify accussed on Jail parade (though he did in Court-see back-and was not even cross-examined); and in the same breath it was argued that accused "was the only boy in his group" on Jail Parade. It is urged that the meetings were held in Anokh Singh's room, which accused's happened to adjoin; and finally, we are asked to take into consideration the temptation held out to these youths, who did not "realize the gravity of what they were doing"; and it is urged that they were threatened with death if they made disclosures that some of them were taken away from Ludhiana to prevent disclosures, and that they were "made use of to keep them busy."

Both in this case, and in the last case, we have always been ready to take the youth of an offender into consideration. However, in the present instance, we feel that the youth of this accused ought not to avail him much. *He is, in our opinion, a thoroughly unrepentant young scoundrel; and a most dangerous individual, quite capable, given opportunities, of developing into another Kartar Singh of Soraba. He did what he did with heart and soul; and the extent to which he was in the inner counsels of Ghadr leaders is obvious. Rash Behari and his lieutenants were shrewd*

enough judges of character; and we do not doubt that they knew well enough whom they might trust. With exception of the line in the written statement about "throwing himself on the mercy of the Court," this accused has shown not the smallest sign of contrition for his misdeeds; but has denied everything, and has tried to bolster up his denials with lies.

We are satisfied on the evidence accused was seduced while a student in Ludhaiana, and became a most active revolutionist, seducing other students there and associatijng with the very worst of the revolutionists, abetting theim in dacoity.

He became one of the most useful young lieutenants of Rash Behar Bose in Lahore; and was employed by him to tamper with troops, particularly with the 23rd Cavalry, among whom he disseminated seditious literature and whom he kept in touch with to rise on the 19th February.

It is sufficient for us to convict him under section 121 for abetting the waging of war, and section 131. **Were he not a youth, we would have no hestitation in sentencing him to death, a sentence he richly deserves; but in view of his comparative youth, we sentence him to transportation for life, and direct that all his property, liable to forfeiture, be forfeited to the Crown.** No finding need be recorded on other charges.

Special Commission

[According to *Ghadr Directory* 1934, "He was an absconder in First Conspiracy Case, but was arrested later. He was sentenced in the Supplementary case to transportation for life and only escaped hanging by reason of his youth. The sentence was reduced to 10 years transportation. He escaped from the Hazari Bagh jail, but was recaptured and sentenced to a further term of two years' imprisonment. He was released conditionally under the Royal Amnesty from the Akola Jail in June 1923 and restricted to his village for 5 years. In 1924 he was found to be attempting to get in touch with Master Mota Singh and to be carrying on surreptitious correspondence with notorious *Ghadr* prisoners in Nagpur jail and in view of this his request for cancellation of restrictions was twice rejected."

His autobiography in Punjabi verse, has been edited and published by Prof. Waraich. He expired on the Martyrdom day of fellow comrades Kartar Singh Sarabha and 6 others on 16 Nov. 1981. — Eds.]

75. Samma Singh, son of Khushal Singh, of Padhana, Police Station Khalra, District Lahore, aged 35:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 663), was admittedly deported from Hong Kong. He apparently reached Calcutta by the s.s. Nam Sang on September 7th, 1915; and was there arrested (P.W. 346 — Mr Slattery, C.I.D.) He was arrested in connection with the present case on the 28th October 1915.

He was identified on Jail Parade by approver Sundar Singh (W.G.); and in Court by that approver and P.W. 331.

Approver Sundar Singh (W.G.) states that accused, a watchman at Hong Kong, came to the notorious Dr. Mathra Singh at the end of July 1914 at Hong Kong *Gurdwara*, and took away a bundle of *Ghadr* papers, which he distributed to soldiers and watchmen. The witness never saw accused in the Punjab till he saw him in Jail. Cross-examined, he says that he first met accused at Hong Kong on the date of sailing. He did not go with him to distribute the literature. Accused told him that his house in Hong Kong had been searched without result.

P.W. 205 is a late Jemadar of the Hong Kong Police; who reported in Hong Kong *rumours* that accused distributed *Ghadr* literature and was visited by returned emigrants. Nothing was found on search of accused. The witness admits that he has no personal knowledge of accused's opinions; and admits that there were counter-complaints between him and accused's nephew; and that he and accused were in opposite *gurdwara* factions.

P.W. 322 (a retired Subedar, Sardar Hakim Singh, of the Hong Kong Artillery) tells us that he was for 28 years in Hong Kong; and knew the accused, who for 10 years used to visit his relation Bulakha Singh of the Artillery. He used to see accused at the *gurdwara* till May-June 1914. He heard accused and others lecture; and reported to the Officer Commanding. *A committee of Indian Officers was appointed to manage the gurdwara*. Cross-examined, the witness denies having told the Superintendent of Police that accused's character was good; nor does he know that accused had a "party" in Hong Kong. The witness says that he gave no evidence to the Superintendent of Police at the time of

accused's deportation.

P.W. 331 (a Subedar of the 25th Punjab Infantry) tells us about the *gurdwara* at Hong Kong; where the notorious Bhagwan Singh was *granthi* in 1912. He says that accused was in Bhagwan Singh's party; and came making enquiries about the *Komagata Maru* affair. He cannot say whether accused was one of those who came asking the Gurdwara Committee to take action against the deportation of accused Hira Singh of Charar (accused admitted in Court that he knew the witness). This witness noted down in his notes this accused as one of those in the Hong Kong *Ghadr* movement, but did not enter father's name or village; he, however, described him as a "dispensary watchman". (Indian Military Officers in Hong-Kong at that time were, of course, reporting to their superior officers) The witness admits that accused protested against Jaamadar Lal Singh's abusing a woman in the *gurdwara*; but he heard of no case between them. He says that possibly accused, like other persons, may have accused Lal Singh of misappropriation. He never saw accused in the regimental lines, nor heard him speak against Government; but says "he heard of him as a zealous sympathizer with Bhagwan Singh" (the revolutionist who was afterwards deported from Canada).

The statement of this accused will be found at page 500; and a supplementary written statement at Page 822. Accused denies the allegations against him; but can only suggest that approver Sundar Singh (W.G.) may possibly have had some quarrel with accused's nephew Kehr Singh when stationed in the same place. He admittedly used to visit his relation Bulakha Singh of the Hong Kong Artillery; but denies having belonged to the notorious Bhagwan Singh's *Ghadr* Party there. He says that when on the Gurdwara Committee there, he and others signed a plaint suing Jemadar Lal Singh (Prosecution witness) and others for *gurdwara* money — and that witness himself admitted there was some reason for ill-feeling. He says that he ceased going to the *gurdwara* during the time that Lal Singh's party were in power; and also because he and Bhagwan Singh had quarreled. He asserts that it was Lal Singh's party which got him deported; and says that P.W. Hakim Singh, Subadar, in those proceedings gave him a good character. He says that he has several relations in the army; that he volunteered as a special constable at Hong Kong; that a photograph of his was sent to India when he was deported, and that the approvers had an opportunity of seeing him at the jail entrance.

In his supplementary statement he again urges him complaints against

Jemadar Lal Singh; and says that Lal Singh and Bhagwan Singh belonged to the same party, as did the other military prosecution witnesses. He says that in Hong Kong he worked by day (he was a watchman) at the Watson Company and by night at another place. He reiterates that it is Lal Singh who has wrongly implicated him in this case.

Exh. D. 43 are 3 certificates regarding accused's services; and D. 54 is part of the deportation file put in to show that P.W. Hakim Singh at that time did not wish to testify against this accused.

The Defence witnesses are D.Ws. 35, 36, 73, 502, 613 to 635 and 901.

The first 2 are only as to character; and so is the third, who also alleges Lal Singh's enmity. This is supported by D.W. 502. All the foregoing were really witnesses called for other accused. All the remaining witnesses testify to accused's good character; to the trouble over his abusing a woman (which one of the Prosecution witnesses has admitted); to Lal Singh's and Bhagwan Singh's belonging to the same party, and to Lal Singh's being accused's enemy; to accused's dual employment in Hong Kong; and to one Bishan Singh (mentioned by accused in his statement) belonging to Lal Singh's party. The evidence of D.W. 620, Kehr Singh, nephew of accused does not impress us favourably, and appears to be concocted. Approver Sundar Singh was never cross-examined on the point.

Counsel for the Crown has urged that the deportation file only shows that the enquiry was a Police enquiry, concerning a silk merchant, etc; and he suggests that P.W. Hakim Singh then said he knew nothing about accused because accused's relation Bulakha Singh was a brother officer in the Hong Kong Artillery.

We do not think it necessary to follow accused's Counsel (Mr. Bhatia) into his argument as to whether this accused served Messrs. Watson in the Chinese or dispensary department; but he has rightly pressed the witness Hakim Singh's statement in the deportation file, where he said that he had never heard of accused's being implicated in any serious movement; and that he might be the victim of enemies from other districts (apparently, referring to the Malwa and Manjha groups in Hong Kong). We must also remember Jemadar Lal Singh's admission about "opposite factions;" and we must bear in mind the curious statement of approver Sundar Singh (W.G.) to the effect that he first met accused at Hong Kong on the date of sailing, and that accused took a bundle of *Ghadrs*

that day from Mathra Singh, and distributed them to soldiers and watchmen — admitting that he himself did not witness the distribution.

The statements of the military witnesses are none too convincing; and whether or not accused's deportation was due to his enemies, we are not at all certain that he has not been wrongly implicated in the present case.

There is, at least that element of doubt in the case, which accused is entitled to and we accordingly **acquit** him.

76. Santa Singh, son of Thakar Singh, of Chola Khurd, Police Station Sirhali, Amritsar.

[Discharged. — Eds.]

77. Santa Singh, of Chuhar Singh, of Nandpur Kalour, Patiala State, aged 24:—

Santa Singh

This accused, who pleaded "Not Guilty" to the charges framed against him (page 665), was arrested on September 21st, 1915

Accused was identified on Jail parade by Sundar Singh (A.M.); and in Court by that approver, and P.Ws 27 Indar Singh of Khanna, (39) *Mussammat* Nihal Kaur, and (40) Teja Singh of Samrala.

Sundar Singh (A.M.) says that accused, who attended the non-seditious meetings at Lohatbadi, Khanna and Chamkaur Sahib, was also present at the *Granth Sahib* recital at Ram Singh Reservist's house at Gujarwal. The witness at first omitted his name from the list; and does not mention him as present at the secret meeting at Gujarwal. He, however, asserts that, later, accused Karam Singh told him that Randhir Singh had communicated the news of the proposed rising on February 19th (got at Dhandari from Kartar Singh of Soraba) to this accused to spread in his village. On the 19th February 1915, the witness meets accused at Khanna Station on the way to Ferozepore. In cross-examination (page 163) the witness states that accused and *Mussammat* Nihal Kaur actually travelled in his compartment of the train. At the Gujarwal ceremony, this accused and Randhir Singh sang *bhajans* to the harmonium, but the witness cannot

say whether accused attends such affairs as a regular singer. He denies any quarrel with accused about a matter of giving *amrit* to the witness' son and grandson; or that he ever invited accused to join the *ghadr*.

P.Ws. Indar Singh of Khanna and Teja Singh of Samrala both assert that accused attended the secret meeting at Dhandari. Indar Singh states that accused was sent from there to collect men from the *Bar*, as was the witness himself; and adds that on his return he (the witness) learnt from his wife, *Mussammat* Nihal Kaur, that it was what this accused told her that led her to go to Ferozepore searching for her huasband.

P.W. 39 *Mussammat* Nihal Kaur corroborates, and says that accused actually went with her to the reed jungle at Ferozepore; and accompanied her home next day. The accused (she says in cross-examination) was dressed in black clothes. She did not know accused before the trip to Ferozepore; and knows nothing about an alleged dispute between her connection Bishan Singh and accused about ornaments.

Teja Singh of Samrala says that after the secret meeting at Dhandari the accused brought accused Dharm Singh and Sawan Singh, absconder, to Khanna, where they were made Sikhs; told the witness to remain with him until his wife's "Sin" had been expiated (for details of this "Sin" see page 215, bottom); and then took the witness off to the Ferozepore attack-the witness, however, managed to slip away home. This witness also corroborates that *Mussammat* Nihal Kaur left with them to seek her husband; and says that accused afterwards met him at Majri and called him "worthless"for slipping away home. At page 216 the witness admits that accused is "somewhat of a singer, and is sometimes called to religious ceremonies." The witness, Indar Singh of Khanna, this accused, accused Karm Singh and another were the "*Panj Piaras*" at approver Sundar Singh (A.M.)'s *amrit* ceremony for his son and grandson.

Accused's statement will be found at page 501, and a supplementary written statement at page 823. Accused, denying all allegations against him, denies that he attended any *path* at Gujarwal, or at Dhandari, though Randhir Singh invited him to the latter. He never saw the witness *Mussammat* Nihal Kaur until the time of jail identification. During the time he is alleged to have been going to Ferozepore, etc, he was engaged himself in *bhogs* at other places named by him. He alleges a squabble with P.W Teja Singh of Samrala over the abduction of accused 54 Mahindar Singh's sister; and says that Karam Singh, accused, took him to Sundar Singh (A.M.) for a *bhog*, but that he fell out there with persons

who wished to agitate about the "*Rikabganj*" *Gurdwara*. He says that a relation by marriage of P.W. Indar Singh of Khanna quarreled wih his brother about ornaments.

In his supplementary statement (page 823) he says that he is in the habit of attending *Paths*, but does not take an interest in politics. Randhir Singh once met him at Nankana fair, and invited him to a *Path* (this appears to have a reference to Exh. D 41, which will be mentioned hereafter). He always thought him a loyal and religious man; and says he "had very little acquaintance with him" (a curious statement in view of Exh D.41). He refers again to P.W. Indar Singh's alleged enmity.

Exhibit D. 41 is relied on by the defence, two letters without envelops, alleged to have been sent to this accused (a comparative stranger) by accused Randhir Singh. They are dated the 20th January and the 20the February 1915, and purport to have been sent from Gujarwal and Nabha, respectively. They concern *bhog* ceremonies; and, besides helping this and other accused in respect of *alibis*, are obviously intended to rebut the prosecution dates for the Gujarwal and Dhandari meetings; and to make *alibis* for Randhir Singh in respect of the Lohatbadi school meeting of the 19th January and the Ferozepore affair of the 19th February. However, we may say at once that the thing has been overdone. The letters contain fulsome expretions of loyalty towards Government; and a mass of unnecessary detail. They are not the sort of letters one would expect to find written to a comparative stranger; and we are not impressed with the evidence of defence witnesses with regard to them.

The defence witnesses are P.Ws. 290, 411, 590 to 604 inclusive and 890. The first of these merely says that accused attended a victory *bhog* in Nandpur one of the places mentioned by accused (the witness was really for another accused). D.W. 441 of Majri (also a witness for another accused) says that he learnt that his brother had got up a *bhog* there. We remember, of course, that the Ferozepore raid incident took place on the 8th *Phagan* (19th February), so, in the next batch of witnesses, who testify to this accused's performing *bhogs*, we find evidence given that accused performed a *bhog* on the 9th *Phagan*. D.W. 595 Phola Singh of accused's village makes out that he found the 2 letters, Exh. D. 41, inside this accused's copy of the *Granth*, then in his possession. He found them when asked by accused's cousin, Lal Singh, to search for letters. Other witnesses make vague statements re the alleged quarrel about ornaments; the quarrel about P.W. Teja Singh of Samrala

and accused Mohindar Singh's sister; and a squabble about "a *gurdwara*" at the house of Sundar Singh, approver. D.W. 891 (a witness for a co-accused) says that he attended a *Path* at this accused's house, and that accused 54 Mahindar Singh came to call.

In short, this defence evidence is utterly unconvincing.

Counsel for the defence has urged that approver Sundar Singh did not mention accused at the secret meeting at Gujarwal; but, as Counsel for the Crown has pointed out (Page 158), he gave a list and said "one or two others." To account for want of an envelope with a postmark, Defence Counsel points out mark in one of Randhir Singh's letter to the effect that the letter is being sent by hand, as the time is short. There is nothing else worth noticing in the remarks in argument of Counsel for the defence; and Counsel for the Crown has pointed out that this accused, knowing Indar Singh of Khanna, and Indar Singh being really a substitute for accused as a *ghadr* messenger to the *Bar* tract, there was nothing really extraordinary about his giving Indar Sing's wife (*Mussammat* Nihal Kaur) information or a message as to where her husband had gone. It is, of course, most noticeable that Indar Singh of Khanna was not cross-eamined as to the alleged squabble about ornaments.

In short, we see no reason to doubt accused's part in these incidents.

It is just possible he was not in the secret meeting at Gujarwal, though present at Gujarwal at the time, but we have no doubt that he took part in the Ferozepore raid, and we accordingly find him guilty of waging war under section 121, Indian Penal Code, **and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown; but as he is not a leading figure, we recommend him to mercy, and that the sentence of forfeiture be not enforced. — 5 years.**

78. Sarwan Singh, son of Mahna Singh, of Gujarwal, Police Station Dehlon, District Ludhiana, aged 48:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 667), returned from Shanghai vid Hong Kong by the ss. Nam Sang, reaching Calcutta on October 13th, 1914. He was arrested on 19th July 1915.

He was identified on Jail Parade by approvers Udham Singh of Hans and Bhagat Singh and P.W. 44. In Court by Udham Singh of Hans.Approver Anokh Singh did not identify him on Jail Parade; and

failed in Court, but described him to the Magistrate.

Approver Bhagat Singh states that accused entrained at Mullanpur Station on the evening of February 19th, 1915, and was at the reed jungle assembly. Cross-examined, he says that accused was released after arrest in the present case, and told him he had turned approver in a dacoity case. He "wished to save accused, so at first said nothing about him."

Approver Udham Singh, II (of Hans), corroborates re Mullanpur and the reed jungle; and says that on that day accused had agreed to join accused Udham Singh and others in the proposed rising. Accused was called to Dehlon *Thana* through *Zaildar* Hazara Singh.

Approver Anokh Singh states that, on 17th-18th February, Kartar Singh (L.C.C.) sent him from Ludhiana to Gujarwal to inform accused of the date for the rising; and the witness found accused Harnam Singh of Gujarwal with accused. On the night of the 19th accused arrives at Ferozepore with Randhir Singh's "Party." Nothing of any value was elicited in cross-examination (Page 247).

P.W. 43 (Page 217) and 44 testify re the secret meeting at Gujarwal; and the former says accused was present at it. He, however, has had to admit that accused was an approver in a dacoity case in which the witness' father was a witness for the defence; and is not prepared to deny that his "distant collateral Nidhan Singh may have got 14 years in it." The witness says he has himself been twice convicted; but acquitted on appeal. He denies other allegations of enemity. We do not attach importance to this witness' statement, and possibly it may have been enmity which caused him to reapeat this accused's name to P.W. 45 (Channan Singh of Soraba), who entered it in his note-book Ex P. 63. We find that another name entered was that of one Sardara Singh, against whom P.W. 43 had admittedly once given evidence.

P.W. 49 (a *Zaildar*), cross-examined, says that he arrested accused in connection with a dacoity; and that 2 men hanged in the dacoity case were not related to P.W. 43, but were related to Nidhan Singh. He says that accused was released at Ludhiana over the present case. He cannot say whether his brother gave evidence against accused under the Arms Act.

Accused's statement will be found at Page 502. He says that he had been abroad some 8 years, and had returned for his daugther's marriage. He says that he has done none of the things alleged against him; and that

he has relations at the front. He asserts that he has been dragged into this case because some years ago he turned approver in a case in which P.W Channan Singh's uncle was convicted, and Jagat Singh's nephew Sardara Singh was also convicted-which also made him generally unpopular with the Gujarwal villagers. P.W. 43 Channan Singh made a half-admission of this; and by P.W. 45 Channan Singh of Soraba admitted that one of the names given him by P.W. 43 to be entered in his note-book was that of Sardara Singh. We do not propose to place any reliance on the statement of P.W. 43, and we do not consider the statement of the *Zaildar* P.W. 49 in cross-examination very satisfactory.

Exh D. 30 is relied on to prove the convictions of Sardara and Nidhan Singh, one Sewa Singh being hanged; and it is made out therefrom that accused Jagat Singh and this accused could never have associated.

Exh D. 31 are money draft receipts for money sent from America intended to prove that accused returned to India for his daughter's marriage.

Exh. D. 32 is accused's *bahi* to prove his *alibi* on February 19th, but the entry is of the 20th.

Exh D. 33 is a judicial record to prove enmity with D.W. Channan Singh of Gujarwal, and Exh. D. 34 is a duplicate receipt of accused's subscription to the War Relief Fund (put in to show his loyalty).

The defence witnesses are D. Ws 148, 373, 390, 394, 406 to 429 inclusive and 915. The first is a *Lambardar*, who says accused made an offer to go to the Front. The next says he was in Ludhiana *havilat* for 2 days in June. The next 2 included the aforesaid Sardara Singh-but, as we have said, we are not relying on the evidence of P.W. 43 Channan Singh. The next batch of witnesses include persons testifying to Channan Singh's enmity, and persons who assert that accused never left his village after restriction. D.Ws. 406 (accused's brother) and 421 and 423 give evidence about his loyalty and his return for the marriage, which was to have taken place on a date some 5 days after his arrest; the brother produces the *bahi* D. 31 — fourteen receipts. D.Ws. 407 to 410 and 417 give unconvincing evidence about accused's being engaged in building a house and irrigating his land on Basant panchmi day January 20th, the defence date for the Gujaewal ceremony). D.Ws. 417 and 429 say they were serving together with accused in Uganda — and the latter says that he saw accused at his house on the evening of the 19th of a month last year;

but he cannot remember the month, and recollects the date because he happened to get a letter from his regiment. D.W. 915 knew accused in Canada, and testifies to accuse's selling as much as possible of his property in order to come home for the marriage. We have also references to P.W. 44 Baggu's being a friend of Channan Singh.

However, while we consider it might be unsafe to rely on the evidence of the local witnesses, there remains the evidence of approvers Bhagat Singh, Udham Singh of Hans and Anokh Singh. The third did not identify accused at all; Bhagat Singh identified him on jail parade, but failed in Court; and Udham Singh of Hans identified accused both on Jail Parade and in Court. There appears no good reason why these approvers should have desired falsely to implicate accused; and the defence evidence was obviously overdone in a frantic attempt to prove *alibis* on inconvenient dates; but still, the fact remains that identifications were not satisfactory as a whole; part of the prosecution evidence is rather doubtful; and it is certainly possible that this accused, by turning approver himself, may have incurred the enmity of co-villagers. We consider that he should have the benefit of the doubt, and accordingly **acquit** him.

79. Sewa Singh, son of Gajju of Lohatbandi, Nabha State.

[Absconding. — Eds.]

80. Sham Singh, son of Bhola Singh, of Dhudhike, Police Station Moga, District Ferozepore, age 40:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 668), is not a returned emigrant. He was arrested on the 30th September 1915.

A statement made by this accused was recorded by a magistrate on October 1st, 1915; and we shall also have to consider in connection with him the confessions of certain co-accused.

He was identified on Jail Parade by approvers Bachan Singh, Arjan Singh, and Nand Singh (who saw him at Chuhar Chak and Dhudike); and by the same approvers in court.

Approver Bachan Singh states that, when accused Ishar Singh was anxious to escape to some Native State, Ishar Singh's father said he would borrow Rs 60 from this accused, and send the amount through accused 63 Pala Singh. Accused himself was present at this talk in Kirwala cemetery. The witness denies (Page 193) any squabble about produce.

Approver Arjan Singh says that accused was present at the Daudhar meeting of June 2nd, 1915 (re the looting of Kapurthala magazine on the 5th). Cross-examined (Page 201) the witness denies that accused kept cotton seed for sale with his father, who died in 1911. He does not know whether accused has a sister-in-law, Harnamo. He learnt accused's name after arrest; but knew him before by appearance.

Approver Nand Singh says that after his statement to a magistrate, he identified accused at Ludhiana Jail Parade as present at the Dhaudar assembly on June 2nd. He did not mention accused's name to the Police.

P.W. 77 merely says that accused was one of accused Phera Singh's visitors. Accused got a decree against the witness' "distant relation" Sundar Singh.

The two co-accused Pakhar Singh and 64 Pala Singh have mentioned this accused in their confessions in connection with the Dhangyan-Daudhar meetings; but like the approvers, they do not attempt to involve him in a visit to Kapurthala.

Accused's statement to a magistrate (which can be considered against him only) will be found at Page 503. It is exculpatory, of course, but mentions accused are presence at the Daudhar assembly; and it relates that he heard from Pakhar Singh about what was to be done, and regarding Kapurthala. It concludes with a mention of the incident of lending money to accused Ishar Singh, about which approver Bachan Singh has told us.

Accused's statement before this court also appears at Page 503. The accused foolishly denies having made any previous statement; and says that he is deaf, and that something was read out by the magistrate's reader. He denies all allegations; says that he was ill-treated by the Police; and says that "Probably" he has been implicated by "Nainoo" of his village (of whom we have heard from other accused), because he refused to give Nainoo, who used to wrestle, some *ghi*.

Exh. D. 21 is a judicial copy put in to prove enmity between accused and some relatios of Bachan Singh (collateral of accused Mahindar Singh of Dhudike, whose father gave evidence against this accused) and co-accused Pakhar Singh; but, as we have said before, there is no reason why a certain amount of ill-feeling between two persons should prevent either of them joining a common assembly for what was *considered a public purpose*.

The D.Ws. are D.Ws. 264 to 277 inclusive, 279, 352, 358, 359, 360. The first batch speaks as to character and the enmity of Bachan

Singh and "Nainoo;" and as to faction enmity. D.W. 256 alleges a quarrel between accused and approver Arjan Singh, about which accused himself had said nothing. D.W. 269 tells us that accused got cholera; and D.Ws 272 and 273 that he had chicken-pox. D.W. 279 heard of a quarrel with Arjan Singh. D.W. 352 says accused had chicken-pox in *Jeth* which affected bis sight and hearing. This is supported by D.W. 360; and the remaining two witnesses testifying to "Nainoo's" enmity.

Accused's counsel has urged that Bachan Singh does not mention this acused as one of those who visited Pakhar Singh's well-this does not look much like enmity. He suggests that that approver and the 2 co-accused mentioned this accused because they thought he had given them away. It is argued that approver Nand Singh did not mention this accused to the magistrate-but he did say then that there were 2 or 3 other Dhudhike men, and he identified accused on Jail Parade after making that statement. We are not impressed with the evidence as to accused's illness; and whilst it is urged that approver Arjan Singh was mixed up in a quarrel between parties over water, the accused said nothing about this, and that approver was cross-examined about a quarrel over cotton-seed. Finally, it is urged that accused, at any rate, never got so far as going to Kapurthala.

We are satisfied that this accused took part in seditious propaganda in Dhudike, being a member of the revolutionary party there, and attended the culvert meeting which arranged the Kapurthala raid.

Though probably technically guilty of abetting the waging of war, we prefer to deal with him under the minor section 121 A, and convict him of conspiracy to wage war and **sentence him to three years' rigorous imprisonment.**

81. Sher Singh, son of Lehna Singh, of Thikriwala, Police Station Kahnowan, District Gurdaspur, aged 36:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 670), returned to India from Hong Kong by the ss. Kum Sang; and reached Calcutta on November 12th, 1914.

According to the prosecution, he was one of a Thikriwala group of returned emigrants, who was discovered too late for the Lahore Conspiracy Case. He is at present serving a sentence of 7 years' imprisonment under the Arms Act.

He was identified in court by P.W. 212 (a Circle Inspector); and most of the other prosecution witnesses are of accused's own village.

P.W. 203 (late Jamadar of the Hong Kong Police) has nothing to say against accused-who, he says, was under him at Hong Kong, and came on leave to India in October 1914 on getting a letter re a marriage. He was a good *Sepoy-Interpreter*.

P.W. 212 is Circle Inspector, Gurdaspur, who states that on April 2nd, 1915, he learnt that accused's house had been searched on March 30th, 1915, under the Excise Act; and that a paper had then been found there re a gang to assemble at Batala in order to loot the *tashil*. On April 4th a Sub-Inspector (whose conduct (we are told) is open to the gravest suspicious in this matter) produced this accused, along with a pistol and cartridges-but no papers. The sane day, Mr Howell (Director of Fisheries) motored the witness out to search accused's premises; and a locked box containing ornaments and wedding garments was found, a copy of extracts from the *Ghadr* newspaper, and *Gurmukhi* papers (*Vide* the series Exh P. 106 — *Gurmukhi* extracts from the *Ghadr*, verses, letters, postcard). The *fard baramdagi* is Exh. P 106 A.

Several of the documents in this series appear to contain nothing of any importance; but P. 106 D (purporting tobe a brief history of the last Mutiny) is most obviously seditious. Exh P 106 J. contains a brief reference to the deportation of the co-accused, Hira Singh of Charar. "M" of the series merely mentions the wirter's feeling that the recipient's ideas are for "the amelioration of India's conditions;" "Y" of the series again mentions Hira Singh of Charar; says that the writer has destroyed, and thrown away the bits of the photograph of himself and Hira Singh; and says that the charge against Hira Singh was that he subscribed to the *Ghadr*.

The witness states that the Sub-Inspector who found the incriminating documents during the excise search made out that it had been lost; and it is not now forthcoming. Accused is, of course, serving his sentence under the Arms Act in respect of the pistol, etc.

In cross-examination, the witness has stated that accused himself, Mr. Howell and others were present at the search; that he *left the English and Urdu documents* which were not suspicious; and took away all Gurmukhi papers, because he could not read them, which have all been produced. They were signed on the spot; and the witness kept them in his charge till a month later. He saw no letter from the Deputy Co-missioner of Gurdaspur to Hong Kong. The *fard* of the search of March 30th, 1915 (excise search) is on the Arms Act record. *Zaildar* Hari Singh, he says did not visit him on April 2nd, 1915. Accused did not ask him to

search the house of Jhanda Singh; nor did he search that of Bir Singh nor hear that accused had abducted Bir Singh's wife.

Recalled, the witness stated thar the Gurdaspur Police made enquiries through the Criminal Investigation Department from Hong Kong as to whether any revolver was missing; giving particulars of the one found in accused's house; and the reply is Exh. P 206-as a result of which the *revolver was returned to the Hong Kong Police*. The witness, again cross-examined, denied knowing that one Nand Singh, relative of Bir Singh, had been employed in the same place as this accused. Now, the important point about the discovery of the aforesaid documents is that they were only found as the result of a search following on the result of a search under the Excise Act.

P.W. 213 to 219 inclusive belong mostly to accused's village Thikriwala, the last of whom is Jhanda Singh. Jhanda Singh tell us that he returned from China some 15 years ago; while the accused returned to the village in November 1914, and 2 other men, Atma Singh and Lal Singh in December 1914. They brought pistols, and used to read out the *Ghadr* paper to villages, and at the witness' house. The approver Mula Singh wrote to Bir Singh (mentioned by P.W. 213 as a returned emigrant, and an associate of Atma Singh, etc.) to send the pistols to Tarn Taran; and the accused and Bir Singh and Atma Singh went to the *Masya* there. The witness says that they used to discuss dacoities; but that this accused did not take part in 2 dacoities, in respect of which the witness turned approver, and Bir Singh and others were sentenced to long terms of imprisonement. He adds that the letter referred to above was brought by Harnam Singh of Sialkot (L.C.C.); and that in it the pistols were called *nushkas*, i.e, recipes. Cross-examined, the witness states that his nephew and accused have had a land transaction; but that he did not object, and never sued his nephew; nor knows that his nephew put in a petition against him. He denies that accused bolted off to China; and says that Bir Singh's wife went there to join her husband. He admits that he gave information in liquor-cases against two persons, one of whom was not chalaned and one was acquitted (the question was put merely to shake the witness' credit). He admits that Atma Singh, Bir Singh, etc., accused him of having put pistols in their houses. He denies other allegations of quarrels with accused and his brothers; and denies that *Zaildar* Hari Singh is his friend. *This witness is, of course, anything but a respectable person himself;* but there are several witnesses (mentioned by numbers above) who corroborate him. These deny any

enmity with accused. One admits that Bir Singh and the witness Jhanda Singh are cousins; and P.W. 218 (who made ornaments for accused's wedding) says that he has been paid in full. Jhanda Singh himself admitted that accused had married after his return.

P.W. 351 (Sub-Inspector, C.I.D.) proves translations into Urdu of various documents of the series Exh P 106.

Accused's statement before this court will be found at Page 505, and a supplementary written statement at page 561. As regards his return to India, he tells us that he was sent back by the Hong Kong Police at the request of the Deputy Commissioner of Gurdaspur; and he admits that Bir Singh, Atma Singh and Lal Singh returned from abroad in December 1914. He denies the allegations against him; including the allegation of having brought back pistols; and asserts that he could not have read the *Ghadr* at the house of Jhanda Singh and Bir Singh, because they are his enemies, and because it was in dread of their enmity that he went abroad in 1903. He admits that his house was searched under the Excise Act on March 30th, 1915; but knows of no paper found then, and denies that any pistol or cartridges were found, saying that he was wrongly convicted of an offence under the Arms Act. As regards the search of April 4th, 1915, he admits the finding of, and claims ownership of the following documents of the Exh P 106 series:-

Exh P 106-X, H, K, N, Q, T, W

(We refer to translations of these in our remarks later on.)

He makes denial as regards Exh. P 106 B. He admits having received Exh. P 106 E, found on April 9th, 1915, on the search of one Partap Singh;and says that Partap Singh returned from abroad in 1910; promising to find a match for accused.Accused came on leave. In 1911; and found that no match had been arranged. He brought a necklace from Partap Singh. As regards the prosecution witnesses, he alleges a quarrel with P.W.212 Sohan Lal; and that P.W.218 Gokal has his house in Jhanda Singh (P.W.219)'s *deorhi*, and that a balance is still owing on account of ornaments. He says that P.W. 14 Karm Chand is related to Sohan Lal; and that he (his distant collateral Mangal Singh to leave Karam Chand's service. He says it was *Zaildar* Hari Singh who got Haku (P.W.215) to give evidence; that P.W.217 Sawan Singh was found in possession of illicit liquor, but was not prosecuted, and that his (accuaed's) brother once gave evidence against Tahl Singh, nephew of Sawan Singh.

It is, of couse, noticeable that in accused's oral statement there was

only a brief general allegation of enmity on the part of Jhanda Singh and Bir Singh. The supplementary statement, which covers nearly 3 pages of print, commences at Page 561; a *précis* of which is as follows:-

The accused started an *illicit* intimacy with the wife of Bir Singh (who is now serving a lengthy term of imprisonment for dacoities; and in July 1903, Jhanda Singh (P.W) and others got know of this, and accused's brother was beaten; but no complaint of this was made, lest the fact of the intimacy should come out. In December 1903, the accused fied to Hong Kong; and in May or June 1904 Bir Singh's wife came out to him there. He was unaware that her husband was at Shanghai; but he refused to keep her, and sent her to her husband. Jhanda Singh wrote out to Bir Singh that accused had managed to escape their vengeance; by which time the woman had reached her husband, who said he had been disgraced. Later, however, Bir Singh wrote in a conciliatory tone, suggesting that accused should accompany him back to India; and accused agreed, although knowing, "what was behind" the suggestion. However, after meeting Bir Singh and his brother in Hong Kong, accused declined to accompany them, and did not take his leave till 1911 (after their leave had expired). We are not told that during that period of leave, Jhanda Singh sought to wreak his vengeance. Accused returned to India on the last occasion on the strength of a letter from a Deputy Commissioner re his marriage; was searched many times before reaching his home; and the Police officials even offered to attend his marriage. He reported his return on December 20th, 1914 (more than a month after his return); and on February 4th, 1915, was assaulted by Jhanda Singh; but brought no complaint, as he expected to be returning to Hong Kong "shortly". (On this point we may add the comment that Exh D 67 shows that this accused had leave from Hong Kong from October 24th, 1914, to April 24th, 1915). He was asked by Bir Singh when his leave was to expire; and Jhanda Singh told him —"Be on the alert. We will certainly revenge ourselves upon you." This statement goes on to say that in the course of the second search, the Police were instigated to "do away with" certain letters, etc., from Bir Singh, Jhanda Singh and Hari Singh *Zaildar* to accused. It is alleged that Jhanda Singh has encroached on accused's boundary, and damaged crops. Accused alleges Police ill-treatment; says he never even heard of the *Ghadr* newspaper; that his marriage was duly celebrated (this is admitted by the prosecution); and winds up with his main allegation of Bir Singh's enmity about his wife.

As regards the above, we may say at once that, while we quite agree that P.W. Jhanda Singh is himself a *scoundrel* (who turned approver in the dacoity cases), we are in no way convinced by accused's statements that Jhanda Singh and Bir Singh's wife went out to join her husband in the ordinary course.

The Defence Exh D 67 (Leave-Pass), we have already referred to Exh D 63 consists of 3 judicial records re the dacoities in respect of which Bir Singh, etc, were convicted. Accused was not mentioned in those cases as having taken part in those dacoities; but there is a mention by (approver) Jhanda Singh that the dacoities were political, and that seditious *parchas* had been read out.

The defence in the Arms Act case was no doubt that Bir Singh and Jhanda Singh had got this accused into trouble. We have no records showing cases between Jhanda Singh and accused.

The Defence witnesses are D.Ws 73, 568 to 572 inclusive, 618, 1032 and 1033. The first of them is really a Hong Kong witness for accused Hira Singh of Charar (a noticeable point), who says he heard nothing against the present accused, who returned to India after him. D.W. 568, a Sub-Inspector of Police, says that no report was made to him that the *Ghadr* was being read in accused's village Thikriwala, a statement which is of no value. D.W. 572, a *patwari*, simply states that certain mortgaged land has not yet been redeemed. D.Ws 570 and 571 (brother and brother-in-law of accused) support the allegations of enmity; but their evidence rather discounts the evidence as to the ill-feeling about mortgaged land.

D.W. 569 (a *lambardar* of accused's village Thikriwala) very naturally denies that there were any *Ghadr* recitals in the village; and he denies that a copy was found in accused's house. He says that accused's *marriage took place on February 18th, 1915* (the fact of marriage is not contested); and he supports the allegations of enmity against prosecution witnesses. However, in cross-examination he was obliged to admit that Sohan Lal had accused Jhanda Singh of placing liquor in his house; and having previously stated that Bir Singh (cousin of Jhanda Singh's wife) went to Hong Kong, had to admit that she went to her own husband in Shanghai, and that no report was ever made about any abduction.

D.W. 618 (a witness for co-accused Samma Singh) stated that accused came on 6 months leave-which we do not doubt. D.Ws 1032 and 1033 are *lambardars* of different villages. The first alleges Jhanda

Singh's enmity; and the second, who was himself in the Hong Kong Police, says that he returned with accused, who bore an excellent character, and that there was no sedition on the ship. He, however, adds that he heard 8 or 9 years ago of a woman's coming to accused on her way to Shanghai. This concludes the defence evidence, which certainly does not impress us.

As regards the prosecution exhibits of the 106 series, we have no desire to in any way press them unduly against this accused; but we must add a few remarks to what has been said already.

Exh P 106 D, is obviously seditious in tone throughout; and certain remarks in Exh. J. M. S.V and Y (translations) are certainly peculiar-such as the remarks about "the amelioration of India's condition:" "a Jullundur Conference where accused will see the state of the country;" its having been heard that "Hong Kong will be given to Japan;" references to "if the British Rule ends;" and references to the deportation of accused Hira Singh of Charar-and so on. The accused does not, of course, admit that the *Gurmukhi* extracts from the *Ghadr* were found in his house; but it is entered in the *fard baramdagi* Exh P 106 A. That *fard*, we notice, was not actually signed by Mr. Howell, though a place was left for his signature with his name in vernacular, but we have evidence that he motored out to the search, and was present at it.

The accused himself did not deny that he had been at the Tarn Taran *Amawas* fair, though he denied having seen Bir Singh and Atma Singh at it; and Counsel for the Crown, in arguments, has referred us (in connection with P.W. Jhanda Singh's statement re pistols) to Mula Singh approver's statement at the foot of Page 334, where he stated that at the *Amawas* fair at Tarn Taran he met Atma Singh and Vir (Bir) Singh with a third man whom he could not identify; and his statement continued to the effect that 5 or 6 days after the *Amawas* he wrote to Bir Singh asking for pistols, having seen one with him on board the ship. He added that they "were anxious to join in revolution, if called." This statement is the more important because Mula Singh has obviously not been tutored to identify this accused; and Counsel for the Crown points out that Bir Singh and Atma Singh returned to India with Mula Singh; and urges that this accused like Mula Singh was not himself in any dacoity though Mula Singh planned one.

Counsel for the defence has argued on the various alleged enmities of prosecution witnesses; but we are not impressed by the argument. We certainly cannot agree with him that the *Ghadr* extracts (which we believe

to have been found in accused's house) are not seditious; and we are not prepared to agree with him that Jhanda Singh's statement in the dacoity cases was the basis for starting the present case against accused. It appears to have started from the discovery made during the excise search; coupled with Jhanda Singh's statement. As regards the *Ghadr* extracts (Exh. 106 B-D of that series is the translation), it bears in pencil the signature of P.W. 212 and the note that it was found in a locked box; and we are not prepared to accept Counsel's suggestion that it was put where it is said to have been found simply out of Police jealousy, to discredit the first Sub-Inspector (a Sikh). The erring Sub-Inspector, by the way, was summoned as a defence witnesses; but was given up. We are quite prepared to accept Counsel's contention that his client returned to be married, and was expecting to return to Hong Kong; but that would not alter the fact that, whilst in India, he took part in revolutionary work.

As it is not proved that he was closely associated with any revolutionists other than the Thikriwala group, or did anything apart from that group, or joined in any of the depredations of that group, we are not satisfied that the offence of accused has gone beyond conspiracy and sedition.

We convict him under section 121 A, but taking into consideration that the accused has been sentenced to 7 years' rigorous imprisonment in the Arms Act case, we sentence him to 1 year's rigorous imprisonment to run after the sentence he is now serving has expired. — 1 year

82. Sucha Singh, son of Gurdit Singh, of Chola Kalan, Police Station Sirhali, District Amritsar, aged 30:—

(82) Sucha Singh

[Jail Escapee, who led the escape besides Natha Singh escaped re-arrested; long after on 26 Nov. 1937 in the guise of a Sadhu at village Rurr in district Ludhiana; jailed for another life term.—Eds.]

This accused, who pleaded "Not Guilty" to te charges framed against him (Page 672), is another of the 23rd Cavalry deserters-and is at present serving a 5 years' sentence awarded by Court Martial.

We shall have later to consider in connection wth him the confession

of accused Bogh Singh.

He was identified in Court by Sundar Singh (W.G.), Kala Singh- and several other witnesses who, of course, belonged to the same regiment.

Approver Sundar Singh (W.G.) states that accused met him and accused Wasakha Singh (for whom accused had been searching) at one Mohain Singh's *haveli* at Chola; asked why the date for a rising was being postponed, and urged that it should be expedited, as the 23rd Cavalry would join, but drafts for that regiment were already being sent to France. Accused Wasakha Singh then told this accused that the date fixed was the 26th November, and that he should come and get a copy of the *Ghadr-di-Gunj* to read to the regiment. Accused then said he would go and inform his comrades and turn up at the Jhar Sahib on the 26th.

Approver Kala Singh states that accused is one of the 4 sowats with swords whom he met after the abortive Jhar Sahib meeting of November 26th; and the witness told them to go to Tarn Taran. A few days later, the witness sees accused and 2 other sowars going towards Bhure from the direction of the Jhar Sahib; and sends a message that they should meet him at the Jhar Sahib. Accused is fetched to the Jhar Sahib by accused Bogh Singh from the house of witness' nephew. The witness asserts that next morning he suggested to accused and the other sowars that they should return to their regiment; but they refused, saying that they were "determined to kill or die."

Cross-examined (Page 111) he witness admits that he only learnt accused's name when accused mentioned it to the Government Advocate.

Approver Mul Singh *Granthi* (of the same regiment) says that, about the Dewali, accused told him that the Amritsar Deputy Commissioner was warning people against emigrants; but accused said nothing about *Ghadr*. Later, the witness learnt from Budh Singh sowar, that accused had deserted to join a rebellion at the Jhar Sahib; started to fetch him back; and learnt of his arrest from accused Bogh Singh.

Approver Ganda Singh tells us that the accused spoke at a meeting at the cemetery about a proposal to raid Lahore; and sent the witness to get information from accused Sundar Singh of Chola Khurd. Accused goes on leave, and returns with the information that November 15th has been fixed for a rising, and that a large number of men will assemble in the Lahore Cantonment *Rakhs*. Accused is present a few days later at a gathering at Lance-Daffadar Lachman Singh's quarters; when accused

Prem Singh is present, who says that *Ghadr* men will arriveat the station that night and is given the Cavalry sword, Exh. P. 18 C. Accused is again present at a meeting at the Rifle Range when Lachman Singh gives out that the date for a rising is November 23rd; and accused again goes on leave, return a day or two before its expiry, and says that the 27th has been fixed for assembling at the Jhar Sahib and raiding Tarn Taran Tahsil. Accused tells the witness that he intends going to the Jhar Sahib with accused Maharaj Singh and other sowars; and finally, deserts with them in spite of the witness' dissuasions.

Approver Wasawa Singh simply states that sowar Budh Singh told him of accused's going on leave, and returning with the date for a rising. What is, of course, most noticeable is, that there was practically no cross-examination on behalf of accused of any one of the approvers; and not even of the witness P.W.21 Surain Singh, who has a long story about accused.

Surain Singh's statement runs as follows:— The *accused, a reservist* who had to rejoin his regiment on the outbreak of the present War, went on ten days' leave; and the witness learnt from sowar Indar Singh of the same regiment that, whilst on leave, the accused had met the co-accused Wasakha Singh and Sundar Singh (discharged), who had told him that a number of men were returning from America for a mutiny. This was subsequently confirmed by the accused himself, who invited the witness to Lance-Daffadar Lachman Singh's quarters, where he also told those present that the revolutionists had guns and bombs, and could make bombs; that there were parities to blow up bridges and destroy railway and telegraph lines; and that there would be an assembly in the *Rakh* near cantonments on November 15th for the purpose of attacking Lahore and the Fort. Next day, at an assembly at the cemetery, accused repeats his story; and says that the *Ghadr* party wishes to know the geography of Lahore Fort. After another meeting at the cemetery, accused again goes on leave; and returns saying that the date has been altered from the 15th to the 17th. This witness corroborates re the giving of the sword, Ex. P. 18 C to accused Prem Singh; and says that the accused was detaied to go to the Station to meet the men expected. A few days later at the Rifle Range, accused agrees to collect information regarding the change of date to the 23rd, and the plan of attack; and goes on 6 days' leave preparatory to proceeding on active service. He returns 2 days before the expiry of that leave (compare Ganda Singh, approver); tells the witness

that he has learnt from his previous informants that the date has been finally fixed for the 27th; and repeats this to others at the cemetery. On November 26th, a discussion takes place at the cemetery whether to go to the Jhar Sahib, *mounted or on foot*; and on the same day accused makes over the witness' kit to the charge of Kalu (P.W. 122). Accused *deserts on the 27th November*; and during the 28th, along with the witness, Channan Singh and accused Maharaj Singh meets Kala Singh, approver, at Bhure; and the party feed at a well. Kala Singh tells them of the Khairon meeting and the intended attack on Sarhali *Thana* and Tarn Taran Treasury; but they find nothing happening at either of those places. On the 29th, they meet accused Wasakha Singh at Dader; and the witness and accused Maharaj Singh spent the night at accused's house. On the 30th they go to the Jhar Sahib, where they find nothing happening; but are called by accused Bogh Singh's servant Jora Singh, and accused sends the witness to ascertain what is wanted. On December 1st the accused and his companions are called to the Jhar Sahib by Bogh Singh himself, where it is decided to consult Saddu, *Pahlwan*, who has a following, but the witness leaves with accused Maharaj Singh on account of news about the Police; and is arrested by Head-Constables Hakim Singh and Bhai Kalu Singh. We can see no reason why this witness should have concocted this story against a man of his own regiment; and he was not cross-examined.

P.W. Kalu (*tum-tum driver* of Lahore Cantonment) corroborates as to accused's depositing kit with him, saying that he was going on leave. This kit the witness afterwards made over to P.W. 141 (Risaldar Chaughat Singh); and the Risaldar himself tells us that accused belonged to his troop, and deserted on November 27th, 1914; and has identified the sword, Ex. P. 18 C.

The Risaldar further states that accused deserted taking his Cavalry sword.

P.Ws. 195 and 196 (Head Constable Hakim Singh) testify to the arrest of accused in the vicinity of the Jhar Sahib on December 1st, 1914, armed with a sword.

P.W. 194 (a *Mahant* of Shahbazpur) tells us that, when he attempted to get the deserters to return to their regiment, Surain Singh was ready to do so, but the accused prevented him. Cross-examined, this witness adds that accused asserted his intention "to fight Government," but denies knowing either accused or his father before.

P.W. 360 (Inspector Harkishan Singh C.I.D.) cross-examined denies having offered accused a pardon to induce him to confess; and admits that accused's brother was called, at accused's request, for accused to consult with.

This accused is undoubtedly referred to in the confession of the co-accused Bogh Singh, *Mahant* of the Jhar Sahib, in his account of 3 sowars coming to the Jhar Sahib. The only one of them whom he knew by name was the approver Surain Singh; but his story corroborates the statements of witnesses, including P.W. 194, the *Mahant* of Shahbazpur. He mentions the attempt made to get the deserters to rejoin their regiments. His narrative leaves no doubt as to the quest of the deserters; and he says nothing about their being under the influence of any intoxicant.

Accused's statement appears at Page 506; and a supplementary written statement at page 509. He denies all allegations of guilt; and denies that he ever returned from leave before its expiry. He, however, admits depositing property on November 23th, 1914, with the *tum-tum* driver witness. He actually denies deserting his regiment; but says he and the others "went away in state of intoxication." He admits that, at the time of arrest, he had his sword with him; but says that he was then on his way back to the regiment to ask for pardon. He says that approver Ganda Singh is his enemy for certain reasons. In his written statement he alleges Police pressure and pressure by his brother Kapur Singh, to make him bear false witness against other accused.

His Defence witnesses are 47 to 52 inclusive, 126, 127, and 716. The first batch of witnesses, which includes accused's brother, testify as to character, as to pressure put on accused, as to Ganda Singh's enmity owing to a report made about his wife's miscarriage, and as to accused's remaining in his village during the whole of his leave. They say they do not know accused Wasakha Singh. D.W. 127 says the same and D.W. 126 makes out that he met accused, who told him that he had left the Regiment in a state of intoxication, and was on his away back to rejoin. D.W. 716 tries to support this; and says accused was "running to Tarn Taran" to catch a train, and ask his Commanding Officer's pardon.

We do not believe any of this evidence; no attempt has been made to produce a copy of the alleged report re Ganda Singh; and the story that accused was under the influence of *bhang* from the night of November 27th till his arrest on December 1st is absurd.

Counsel for the Defence suggests that accused was led into what he

did by others. The witness *Mahant* of Shahbazpur, however, says that this accused prevented Surain Singh from being persuaded to go back; and Counsel is obviously wrong in suggesting that that witness had served in the same regiment — at any rate, the notes of all 3 Commissioners show that the printed record is correct as to what was stated before this Court. It is put forward that *accused served in the Regiment for 15 years* — all the more shame to him for doing what he did.

Counsel for the Crown has argued correctly that the evidence of approver Mul Singh *Granthi* is admissible under section 10 of the Evidence Act; and he has pressed for a death sentence on the ground that accused was a soldier at the time of his misdeeds. Counsel for the defence has urged that accused is already serving a Court-Martial sentence of five years for desertion.

We are satisfied that this accused, while on military service, became an active revolutionist, propagated revolution in his regiment, and deserted it for the purpose of waging war against the King.

We find him guilty under section 121, 131, Indian Penal Code, and **sentence him to transportation for life, and we direct that his property, liable to forfeiture, be forfeited to Government.**

83. Sudh Singh, son of Chanda Singh, of Chur Chak, Police Station Moga, Ferozepore.

[Discharged. — Eds.]

84. Sultan Shah, son of Maghi Shah, *fakir* of Bhikewind, District Lahore, aged 23:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 674), is a *fakir*. He was arrested on the 12th September 1915; and, on the 20th of that month, he made a confession to a Magistrate, which later we shall have to consider along with the confessions of certain co-accused.

He was identified on Jail Parade by approver Sundar Singh (W.G., who called him *fakir*, and said that he had changed his *safa*); Natha Singh, as seen by him at Khairon; Jagat Singh of Bhure (who pointed him out); and P.W. 177. In Court, by Sundar Singh, Natha Singh and Kala Singh — the last of whom said that accused was not at the Jhar Sahib on November 26th, but that he had seen him there previously. It is, of course, noticeable (as showing the trustworthiness of approvers)

that the other approvers do not make out that he was at the Jhar Sahib gathering of the 26th.

Approver Sundar Singh (W.G.) states that on the 27th the accused went with him, Indar Singh and accused Teja Singh of Bhikewind to the Khairon mound assembly, armed with a sword and an iron scabbard. He thereafter took part in the attempt on Sarhali *Thana*, and went on to the Dhun *Zamindar*. The witness denies (page 90) that he drank with, or quarreled with accused at Sur Singh. The approver Natha Singh corroborates on the above points; and, cross-examined (Page 103), states that accused said that the sword had belonged to one Nizam dacoit. The witness denies knowing whether his own sister had been abducted.

Approver Kala Singh states that he did not see accused at the big gathering at the Jhar Sahib; and only heard that approver Sundar Singh and accused Teja Singh of Bhikewind (compare Sundar Singh W.G.) had been to call him there. He, however, says that he did meet accused at the Jhar Sahib and at the house of Lal Singh of Bhure (P.W. Jagat Singh of Bhure pointed him out on Jail Parade) for *Ghadr* purposes. He admits that he heard no *Ghadr* talk between accused and Lal Singh of Bhure (L.C.C.); but says that he himself did not go inside Lal Singh's house when accused was there.

P.W. 177 pointed accused out as one of a *chhavi* gang at the Budda well (i.e, one of Natha Singh's mob).

This accused is mentioned in the confessions of 4 co-accused, namely 15 Ganda Singh *Nihang*, Kesar Singh, 49 Labh Singh and Teja Singh of Bhikewind; and in connection with the Jhar Sahib, Khairon, Sarhali *Thana* attempt, Dhun and the riverside accused's own confession (which we have decided is not a mere exculpatory statement) to a Magistrate will be found at Page 510. It helps to corroborate the evidence of prosecution witnesses; and, though it corroborates the statement of approver Sundar Singh (W.G.) and the confession of the co-accused Teja Singh that some liquor was drunk by them before going to Khairon, it would be absurd to believe that accused remained in a state of intoxication throughout the incidents of which he was able to give an account. He mentions his possession of the sword, about which Sundar Singh was able to tell us that it had an "iron scabbard."

Accused's statement before this Court is at Page 509. He says (like some other accused) that he was beaten by the police, and that there was

"a paper already before the Magistrate." He denies all that was alleged against him; and says that he was "ill, with a pain in his legs." He says he is a mendicant, with relations in Government service; and drags in the old story of approver Natha Singh and the *Mirasan*, alleging that that approver was annoyed because he refused to put her up after Natha Singh had abducted her.

The Defence witnesses are D.Ws. 91 to 94 inclusive. The two first attempt to support accused's various allegations. The last two are *Lambardars* of accused's village; and we learn from them that accused has been four times suspected of theft, and that he has been absenting himself from the village.

The argument of accused's Counsel that his client should be given the benefit of section 85 of the Indian Penal Code "because he was under the influence of drink"; and the Ruling eited, 8 Indian cases, page 469, does not apply. It is asked *why a Muhammadan should have made common cause with Sikhs*; but the assemblies were not confined to Sikhs. It is urged that accused's name does not appear in the Khairon note-book; but he was, no doubt, not an important person; and we know that the entering up of names came to a hurried conclusion. Counsel for the Crown has pointed out that approver Natha Singh was not cross-examined by this accused re the matter of the harbouring of a *Mirasan*.

In short, in our opinion, the case against this accused is perfectly clear.

We are satisfied he was in the Khairon-Sarhali array, and is thereby guilty of waging war.

We convict him under section 121, Indian Penal Code, and **sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown. As, however, he is a very minor person, we recommend him to mercy, and that the penalty of forfeiture be not enforced. — 5 years**

85. Sundar Singh, son of Rattan Singh of Doulu Nangal, Police Station Beas, District Amritsar, aged 30:—

[Jail escapee, who had jumped while standing on the jail wall and was re-arrested soon after along with 4 others, namely, Harnam Singh, Kesar Singh, Lal Singh and Pakhar Singh. — Eds.]

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 676) is a returned emigrant who, according to the complaint, was "an emissary from America," who arrived at Hong Kong from Shanghai on the 29th or 30th July 1914 (*vide* page 17 of the printed record for details). The accused himself says (page 511) that he never went to Shanghai; but returned from Portland in the United States via Hong Kong to Calcutta; and he says that he cannot remember the date of his arrival there, nor the name of the ship he came by. According to the evience, he reached Calcutta by a Jardine Company boat on the 28th or 29th September 1914. He was arrested on the 12th September 1915; and his statement (which does not amount to a confession) was recorded by a Magistrate five days later.

He was identified on Jail Parade by approver Sundar Singh (W.G.) and in Court by the same approver. Approver Kala Singh failed to identify him in Court on the ground that he "was not well dressed", but added that accused's name was well-known at the Jhar Sahib.

Approver Sundar Singh (W.G.), who was practically not cross-examined for this accused, has a good deal to say about him, which runs as follows:— In July of 1914 the witness learns from accused Gujar Singh that this accused has arrived with the notorious "Dr." Mathra Singh from hong Kong to take Indians on to India. In Shanghai, the witness, this accued and accused Gujar Singh lived with the absconding accused Balwant Singh. (We can see no good reason why this approver should have made this assertion, if accused's statement were true that he had never been to Shanghai). Accused Gujar Singh tells the witness that he and this acused will follow Mathra Singh's party after getting arms; and on July 29th or 30th, 1914, the accused arrives at Hong Kong with his party (including accused Harnam Singh of Rasulpur, Harnam Singh of Sialkot (L.C.C.) and Channan Singh, since hanged); and sails thence with the witness and others by a Jardine Company boat on September 10th, accused paying the passage-money of a revolutionist, Ganga Singh of Bhatti Bhaini. When leaving Hong Kong, this accused takes over a quantity of umbrellas (the stock-in-trade of Mathra Singh) from Mathra Singh to sell in Calcutta; the proceeds to go to *Ghadr* funds; and gives Mathra Singh 100 dollars for his and the accused Budha Singh's passage-money. This accused has on board 2 copies of the *Ghadr-di-Gunj*; and recites verses and preaches revolution. At Singapore he tells the witness that the *Komagata Maru* passengers had pistols from America and Japan;

and gives Harnam Singh of Rasulpur a soverign and a copy of the *Ghadr-di-Gunj* to preach to Indians there and collect men. At Penang the accused preaches himself without success; and, on reaching Calcutta on the 28th or 29th September, puts up at the Howrah Gurdwara. Next day he tells the witness about the *Budge-Budge* riot of the *Komagata Maru* men; and says that he and others intend to take a train at a station beyond Howrah, and tell people in the Punjab of the treatment of the *Komagata Maru* passengers. He leaves the umbrellas with the witness to be sold for the benefit of men of the *Komagata Maru*. About the 17th October, the witness finds him at Nanak Singh's *chaubara* in Amritsar with the absconder Balwant Singh (with whom he and the witness had lived at Shanghai) and accused Suja Singh; and this accused belongs to accused Gujar Singh's Dewali party there. The witness next meets him at Khasa station, where there is a meeting with accused Gujar Singh, with whom accused remains at Khasa. Some days later, Gujar Singh tells the witness that this accused will meet the men from Bengal, coming with arms (that is, Jagat Ram and Kartar Singh, both of the L.C.C.), at Beas. Later, the accused comes to the witness' village, and tells him that November 15th has been fixed for a rising (we find this same date mentioned by a quite different person, who has nothing to do with this accused-namely, approver Ganda Singh of the 23rd cavalry), and gives the witness the names of some "leaders." Accused sends the witness to Sur Singh to tell people the date for the rising; and is present at Tarn Taran *Masya*, and on the *Masya* day when it is arranged to meet at the Jhar Sahib. He is present at Jhar Sahib gatherings of November 23rd and 26th, 1914; and, according to the witness, accused's name appears in the Khairon note-book Exh. P.1; he took part in the abortive Sarhali attempt; and was one of those who went on after it to the Dhun *Zamindar*. In response to this lengthy and detailed indictment (which no sensible person would believe to have been invented by the witness or by someone else for the witness to learn) all that appears from cross-examination is that accused's party and Mathra Singh's party were really sub-divisions of accused Gujar Singh's party.

Approver Kala Singh who states that he only knew accused since the *Ghadr* started corroborates that this accused was at the Jhar Sahib gathering of November 26th.

The remaining prosecution witnesses are P.W.'s 125, 126 and 206 (a Sub-Inspector, a *Zaildar* and a constable), who testify to three lead

bullets (Exh. P. 90) being found on search of accused's house on the 12th September1915 (the day of his arrest)

Accused's statement to a Magistrate (which is not a confession) will be found at page 513.

Though it is exculpatory, it is a very lengthy and detailed statement and obviously could not have been concocted. It starts with a history of accused's life some years ago at Singapore (two visits there), Portland and elsewhere; and mentions a visit to Shanghai (which place accused now says he has never been to) where accused (according to the statement) was shown a copy of the "*Ghadr*" newspaper. It mentions going to Hong Kong and back to Shanghai with one "Doctor Mishra" (presumably "Dr. Mathra") Singh who had a bundle of umbreallas, and whose fare this accused paid. It mentions meeting approver Sundar Singh (W.G.) and Gujar Singh, accused, in Shanghai; and sedition there, and the *Ghadr-di-Gunj*, and pistols in false bottomed boxes. It mentions the notorious Sohan Singh of Bhakna (L.C.C.); the taking over of by the witness of the bundle of umbrellas; and the eventual making over of the umbrellas to Sundar Singh (W.G.). We do not propose to follow this elaborate statement all through in detail; it contains much matter which could only have been known to accused, but which is really most incriminating. It mentions Kartar Singh (L.C.C.), Khasa, the *Masya* fair, the Jhar Sahib, Khairon, and the note-book, the Sarhali *Thana* attempt; the wandering at the riverside. Throughout the latter portion of this most detailed statement runs the absurd story that accused was going about to all these different places solely with the object of trying to recover the price of the bundle of umbrellas.

Accused's statement to this Court commences at page 511; and his supplementary written statement will be found at page 554. He, of course, denies having ever been to Shanghai, and says he returned after 10 years' absence to marry and get his brother married. His statement to the Magistrate was induced by beating, and he denies all the allegations against him including that of the umbrellas. He denies Sundar Singh (W.G.) was on his ship; but says he himself did not disembark at Penang. He has never even seen the Jhar Sahib, and never left his village after his return. He suggests that the police introduced the lead bullets (Exh. P. 90) into his house.In his supplementary statement he mentions a cheque for Rs. 1,000, which he says the police saw at the time of search, and says he was arrested on suspicion of being a regimental deserter, and that

there are several men of his name in his village.

His Defence witnesses are D.Ws. 977 to 983 inclusive. It suffices to say that they (one being accused's brother) attempt to make out that accused only once left his village, to draw money from an Amritsar bank; to support the reason for his return and the suggestion about the bullets. D.W. 977 makes out that there was no sedition on the ship and actually adverts to the story of the umbrellas-which Counsel for the defence in argument, told us he wished to press again.

In spite of accused's denials before us, his Counsel has suggested that approver Sundar Singh wanted to misappropriate the proceeds of the sale of the umbrellas. He urges that no one corroborates the incident of a meeting near the *Khalsa* College, Amritsar, set forth in accused's statement to the Magistrate. This is true, and it is valuable proof that that statement was not concocted.

As regards the 3 lead bullets we propose to leave them out of consideration; but, as argued by the Governmane Advocate, accused's own statement to a Magistrate is a very valuable corroboration of the truth of Sundar Singh (W.G.'s) story; and had that statement been tutored, accused would no doubt have mentioned by name approver Mathra Singh, whom however he described fairly accurately.

We do not agree that it is proved that accused was a *Ghadr* emissary from America; since even in his full statement to the Magistrate, he mentions marriage as the object of his return to India. He seems to have imbibed *Ghadr* doctrines in Shanghai, and later from the revolutionist "Dr." Mathra Singh; but having imbibed them he certainly became an emissary in spreading them.

We are satisfied that he returned to India with the object of subverting Government on arrival, and induced others to do the same, and on arrival he took an active part in revolution and took part in the Jhar Sahib, Khairon-Sarhali arrary, and thereby committed an offence under section 121, Indian Penal Code. We **sentence him to transportation for life and direct that all his property, subject to forfeiture, be forfeited to Government.**

86. Sunder Singh, son of Bhanga Singh, of Chola Khurd, Police Station Sirhali, Amritsar.

[Discharged. — Eds.]

87. Sunder Singh, son of Nihan Singh of Jabowal, Police Station Jandiala, Amritsar.

[Discharged. — Eds.]

88. Suja Singh, son of Khushal Singh, of Waltoha, District Lahore, aged 26:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 678), is admittedly a cousin of accused Wadhawa Singh of Dugri (discharged by this Court's Order, dated 20th January 1916).

According to the prosecution, he sailed from Shanghai with the notorious "Dr." Mathra Singh on the 18th July 1914; and reached Calcutta by a Jardine Company boat on the 28th or 29th September of that year. The accused, who admitted that approver Sundar Singh (W.G.) was his fellow-passenger, denied (like accused 85) that he had ever been to Shanghai; and said that he sailed from Hong Kong. We shall have later to also consider with regard to him the confessions of certain co-accused. He was arrested on the 12th September 1915.

He was identified on Jail parade by approver Sundar Singh (W.G.); and was pointed out by P.W. 15 Jagat Singh of Bhure. The same two persons identified him in Court; and approver Kala Singh failed to do so; saying, as in the case of accused 85, that this accused was in Court "not well dressed," but that "his name was well known at the Jhar Sahib."

Approver Sundar Singh (W.G.) tells us that this accused was one of those who, at Shanghai, swore on the *Granth Sahib* to devote themselves to the *Ghadr* cause. As in the case of accused 85, we can see no reason whatever why this approver should have dragged this accused's name into his Shanghai recital if accused had never even been there; and, in cross-examination all that was elicited was an assertion that the witness first knew accused in Shanghai; and that he got his passport at the same time as the witness. The witness states that this accused sailed, by the orders of accused Gujar Singh of July 18th, 1914, along with the witness, Balwant Singh absconder, and Mathra Singh (and his umbrellas) to Hong Kong, reaching the Gurdwara there about July 25th. From there he proceeds with the witness and others by a Jardine boat on September10th reaching Calcutta and the Howrah Gurdwara on September 28th or 29th; and there accused 85 (Sundar Singh) tells the witness that he and accused and Balwant Singh will go to the Punjab, and tell people of the treatment of the *Komagata Maru* passengers; for whose benefit the accused leaves

his clothes behind with the witness. The witness next sees him at Nanak Singh's *chaubara* in Amritsar about October 17th with Balwant Singh absconder, and accused 85 Sundar Singh; and accused belongs to accused Gujar Singh's Dewali party there. He is present at the Jhar Sahib gatherings of November 23rd and 26th; his name appears in the Khairon note- book Ex.-P.1; and he takes part in the abortive attempt on Sarhali *Thana*. Now, what apparent reason had this approver for inventing such a story about this accused?

Approver Kala Singh, who says he has only known accused since the *Ghadr* started, corroborates that accused was at the Jhar Sahib gathering of November 26th; and P.W. Jagat Singh mentioned him in Court, though he could not name him, as "at the Jhar Sahib."

P.W. 185 (Channan Singh of Bhure, son of Lal Singh of Bhure of the L.C.C.) states that a few days after the Tarn Taran *Masya*, this accused, along with Channan Singh (Walla Bridge murderer) and others, read the *Ghadr* paper at his father's house and discussed looting. There was no cross-examination.

P.W.'s 165 to 167 inclusive (to which evidence we do not attach much importance), testify to having seen this accused and other accused in the vicinity of the village, presumably on their way to the Jhar Sahib; and P.W. 168 is the Sub-Inspector of Waltoha who arrested this accused on the strength of the Khairon note-book, Exh. P 1, and the information of the above witness. One of the persons said to have been seen leaving the village with accused is accused 56 Mangal Singh; but the Sub-Inspector could not say whether accused and Mangal Singh were at enmity (i.e, not likely to be in each other's company).

This accused is mentioned in the confessions of the co-accused Kesar Singh and 49 Labh Singh, the latter of whom belongs to accused's village Waltoha, in connection with the Jhar Sahib, Khairon, Sarhali. According to the latter, it was this accused who first told him of the proposed attack on Tarn Taran Police Station.

Accused's statement before us will be found at Page 521; and a supplementary written statement at Page 555. He admits that Sundar Singh (W.G.) travelled on his boat; but denies that he ever went to Shanghai, and says that, after a short time at Hong Kong, he returned to India for lack of employment. He denies having known "Dr." Mathra Singh; and says that he was arrested at Amritsar as a *Komagata Maru* passenger, but was released, and again arrested. Accused Sundar Singh

of Doulu Namgal (85-whose denial that he had ever visited Shanghai we have found to be quite false) was in the *havilat* with him; but he cannot say whether that accused and Balwant Singh, absconder, were on his ship. He denies all allegations of guilt; and alleges a petty squabble on the ship with Sundar Singh (W.G.), who, he says, was drinking hard.

He alleges enmity with co-accused Mangal Singh, with the Waltoha witnesses, and with accused Labh Singh of Waltoha. Witness Jhanda Singh, he says, gives evidence at the instance of the Police, who were also told by Jagat Singh to identify him by a mark on his face. Channan Singh of Bhure (P.W. 185) was, he says, in the same *havilat*. He denies leaving his village. In his supplementary statement he expatiates on the enmity of co-villagers, and his uncle's services at the front.

Exh. D. 71 is put in to show the enmity of accused's father with accused 56 Mangal Singh, but, as we have said before we are in no way conviced that private enmities would stop a man from joining a gang for a common public purpose.

The defence witnesses are D.Ws. 502 to 517 inclusive, 646, 647 and 1013. the first two assert that they knew accused during his three months' stay at Hong Kong and that he never went to Shanghai; and the first batch of witnesses generally testify that accused has enmity with the co-accused Mangal Singh, that his uncle is at the front, that villagers have enmity with his father, and that he never left his village. D.Ws. 646 and 647 are really witnesses for accused 49 Labh Singh (an alleged enemy of this accused!), Yet they were quite ready to support this accused's story of enmity which co-villagers, D.W. 1013 (one of the co-accused Gujar Singh's witnesses, be it noted, and sister's son of this accused, who was discharged by this Court) makes the bare assertion that accused remained at Hong Kong, and never went to Shanghai.

We certainly cannot accept defence Counsel's suggestion that approver Sundar Singh (W.G.) was "confused" as to whether this accused had been at Shanghai. He travelled on the ship with him, knew him well, and identified him both in Court and on Jail parade. This approver is no fool, and would certainly not have risked the false statement that accused was one of those who swore on the *Granth* at Shanghai, if he had known that he had never been there. As regards Wadhawa Singh, the relation of the accused, whom this Court discharged, he was simply given the benefit of the doubt for lack of certain evidence which is not lacking in the present case. In short, we see nothing of value in the

arguments for the Defence.

Counsel for the Crown has called this accused "one of the leaders of the Waltoha group" and Defence Counsel has asked us to see the first police statement of Sundar Singh (W.G.), as to whether he then mentioned this accused by name, or only "accused 56 Mangal Singh and other Waltoha men."

We find, on examining that statement, that he is mentioned by name and village.

We are satisfied that this accused returned to India for the purpose of waging war against Government, leaving Shanghai in a hostile array. We are satisfied also that he took part in the Jhar Sahib-Sarhali array. It is unnecessary to recapitulate his minor efforts. We find him guilty under section 121, Indian Penal Code, and **sentence him to transportation for life, and direct that all his property, liable to forfeiture, be forfeited to the Crown.**

He is not an important person, and we recommend his case for consideration as to whether some mercy should be shown. — 10 years.

89. Surjan Singh, son of Mahan Singh, of Gujarwal, Police Station Dehlon, District Ludhiana, aged 20:—

This accused who pleaded "Not Guilty" to the charges framed against him (Page 680), gave himself up at the Lahore Central Jail on the 8th November 1915, soon after the commencement of this trial. He is not a returned emigrant.

He was identified in Court by approver Sundar Singh (A.M.), as "a man whom he had often seen, and at Ferozepore, with Randhir Singh;" also by approver Udham Singh of Hans, P.Ws. 27 Indar Singh of Khanna, 39 *Mussammat* Nihal Kaur, 40 Teja Singh, of Samrala and 317 Ichhar Singh (merely as a man whom he had seen at a *Dewan* at Basaur). Approver Bhagat Singh failed to identify him in Court.

P.W. Indar Singh of Khanna (P. 165) states that accused was present at the secret seditious meeting at Dhundari held by accused Randhir Singh after Gurbachan Singh's *Path*, re the proposed attack on Ferozepore; and that this accused got Rs 8 from Ludhiana bazar, and gave him the money to go to the *Bar* to raise recruits. He cannot tell us when accused arrived at the *Path*, but says that he him self came the last day of it.

Approver Udham Singh of Hans states that accused was one of those

who assembled at Randhir Singh's house on February 19th, 1915, and that he went with him and accused Uttam Singh to bring on accused Jagat Singh, and Sarwan Singh. Approver Sunder Singh (A.M.), Bhagat Singh, Udham Singh of Hans and P.W. 39 *Mussammat* Nihal Kaur are unanimous in saying that this accused, on February 19th, got into the train at Mullanpur Station with Randhir Singh's party; some of them mention him as seen at the reed jungle assembly at Ferozepore; and *Mussammat* Nihal Kaur says that he took her a ticket at Phime-ke-kai station next morning. Sundar Singh (A.M.), who says that he described accused to the Magistrate prior to identification, added in cross-examination this accused as one of those present at the Gujarwal *Akhand Path*; Bhagat Singh corroborated that he was with Randhir Singh's party at Phime-ke-Kai station; and cross-examination disclosed no reasons why all the above persons should be falsely implicating accused.

Accused's statement appears at Page 522; and a supplementary written statement at Page 561. He says that, prior to surrendering himself on November 8th, 1915, at the Jail, he was engaged for 2 or 3 months reciting Paths. He, too, asserts that the Gujarwal *bhog* was on *Basant Panchmi day*, and that no secret meeting followed. He denies the allegations of his guilt; advances the military services of his father and other relations; says that he is a *Pathi*, and, as such, sometimes attends ceremonies with accused Randhir Singh; says that during the period of his alleged offences he was engaged in constructing a well; and suggests that approver Udham Singh of Hans is inimical on account of having been punished for the religious offence of cutting his hair on his travels. He, of course, is utterly wrong in asserting that no one beside that approver identified him; he was, of course, not on any Jail parade, but several witnesses identified him in Court; and he, too, admits as such in his supplementary statement as regards P.Ws. Indar Singh of Khanna and his wife *Mussammat* Nihal Kaur. The first paragraph of that statement is full of services rendered by his family. No enmity was alleged against Indar Singh or his wife. He says he himself got up a victory *Path*.

The defence witnesses (some of whom were really called for other accused) are D.Ws 379, 387, 383 and 916 to 928 inclusive.

The first two (one of whom is a cousin) mention the *Path* got up by accused; while D.W. 383 says that accused read the *bhog* for accused Jagat Singh in Gujarwal on *Basant Panchmi* day. The remaining batch of witnesses (some of whom also appear for accused Randhir Singh)

have largely tried to support the stupid Defence story invented to upset the prosecution dates with regard to Gujarwal and Dhandari. D.W. 927 happens to be the uncle of co-accused, Nahar Singh. We have witnesses testifying to accused's loyalty and his relations' services; D.W. 928 (a relation) tells us that accused came to enquire about a sick person, and stayed 2½ months; and D.W. 916 (accused's uncle) tells us that accused served for a short time as a bugler. The same witness and D.Ws. 917 to 923 inclusive assert that accused was helping to put up a Persian wheel on a well from the 6th to the 10th *Phagan* (those dates of course conveniently convering the dates connected with the Ferozepore incident).

Defence Counsel's arguments really amount to nothing. He suggests that accused has been implicated in this case because of his association with Randhir Singh. Counsel also points out that at page 165 the witness, Indar Singh, stated that this accused, like himself, asked Randhir Singh how it would be possible to attack "such a tiger" as Ferozepore Fort; but that witness also said that Randhir Singh then used persuasions, saying that religion was being interfered with.

We are, of course, quite ready to accept for consideration the fact of accused's youth. He was another of Randhir Singh's young satellites; and found it convenient to abscond after the Ferozepore fiasco.

We are satisfied accused was at the secret meeting as alleged, and that he took part in the Ferozepore raid, and thereby committed an offence under section 121, Indian Penal Code.

We convict him under that section and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown; but in view of the accuseds comparative youth, and that he was a satellite of Randhir Singh (69), and under hs influence, we recommend him to mercy and that the penalty of forfeiture be not enforced.

90. Teja Singh, son of Dayal Singh, of Bhikeiwind, Police Station Khalra, District Lahore, aged 25:—

[Jail escapee, who could not be re-arrested; nothing is known about his ultimate fate. — Eds.]

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 681), arrived at Calcutta by the ss. Nam Sang on October 13th, 1914, from Shanghai via Hong Kong. He was arrested on the 12th

September 1915, and was brought to Amritsar the next day; was sent to Jail on the 18th; and his confession was recorded by a Magistrate on the 20th of that month. We shall also have to consider with regard to him the confessions of other co-accused.

He was identified on Jail parades by approvers Sundar Singh (W.G.), Natha Singh (as seen at Khairon) and P.W.15 (who pointed him out); and in Court by the same 3 persons (P.W. 15 not naming him, but saying that he was at the Jhar Sahib); and approver Kala Singh. Approver Natha Singh also described him to the Magistrate.

Approver Sundar Singh (W.G.) tells us that accused was in the Municipal Police at Shanghai. He sees him on October 13th, 1914, in accused Gujar Singh's party, at Howrah Station, at Nanak Singh's *chaubara* about the 17th, and in Gujar Singh's Dewali party at Amritsar. Accused is at the Nankana fair, and at Tarn Taran *Masya* asking about the date for the rising. The witness mentioned this accused to the Magistrate, but not to us, as present at the Jhar Sahib gathering of November 23rd, 1914; and says that on the 25th this accused and accused Budha Singh arrived at the house of Lal Singh of Bhure (L.C.C.), with Natha Sing, approver, stayed there, and attended the Jhar Sahib gathering of the 26th — the night of which was spent by the witness and accused at accused's village. On the 27th the accused goes with witness Indar Singh, and accused Sultan Shah to the Khairon mound assembly (armed with a *chhavi*), and his name (according to witness) is entered in the note-book, Exh. P. 1; he takes part in the attempt on Sarhali *thana*, and goes on to the Dhun *zamindar*. Cross-examined, this witness denies that accused ever lent him 100 dollars to pay the passage money of the witness's uncle on the *Komagata Maru*; and adds that his uncle went partly at his (witness's) expense, and partly at his own. He never signed any bond in favour of accused; but borrowed from one Waryam Singh of Sur Singh on a bond signed by himself.

Approver Natha Singh states that accused brought a message from Channan Singh to assemble at the Jhar Sahib for a rising; and stopped at the witness's *haveli* with accused Budha Singh and Ganda Singh, Nihang. The witness gives accused a sword he had got from Lal Singh of Bhure (L.C.C.), after sharpening it on a stone; and they start for the Jhar Sahib, but learn on the way from accused Sadhu Singh that the meeting and rising have been postponed; so they go again to Lal Singh of Bhure, learning from approver Sundar Singh of the failure of the 23rd Cavalry

sowars to turn up at the Jhar Sahib. Accused and Sundar Singh leave for Bhikewind (accused's village-compare approver Sundar Singh's statement), leaving the sword at Lal Singh's house. This approver corroborates also re accused's presence at the Jhar Sahib on the 26th November, and re Khairon, Sarhali attempt and Dhun. Cross-examined (Page 103), he cannot say whether accused was an associate of one Jawand Singh, *Nihang*.

Approver Kala corroborates re seeing him at Lal Singh's house (he says about November 10th), and at the Jhar Sahib on November 26th; and P.W. 15 Jagat Singh of Bhure (Lal Singh's village) was able to point accused out as having been at the Jhar Sahib.

This accused is mentioned in the confessions of no less than 5 co-accused; namely, 15 Ganda Singh Nihang, Kesar Singh, 49 Labh Singh, Sultan Shah, and Thakar Singh, of Thatian-and in connection with the Jhar Sahib, Khairon, Sarhali, Dhun and the riverside wanderings. Co-accused Ganda Singh mentions him in connection with Kartar Singh (L.C.C.), and a trip to Ferozepore (not the raid); Kesar Singh mentions him as along with co-accused Gujar Singh being inflamed by the lecture of the revolutionist Sohan Singh of Bhakna (L.C.C.); and he is the first person mentioned in the confession of Sultan Shah, to whose village he belongs and who mentions having some liquor with him and approver Sundar Singh (W.G.).

Accused's own confession to a Magistrate will be found at Page 525. It is a lengthy detailed statement, and fully implicates accused, who mentions Sundar Singh (W.G.) and co-accused Gujar Singh at Shanghai, and says that the latter paid his passage money. Accused says in it that he did not start off with seditious ideas, but got imbued with them on the voyage to India. It suffices to say further that the confession is very fully corroborative of the statements of approvers and witnesses as to Khasa Railway Station, the Jhar Sahib, Khairon, etc, and even contains a reference to Kartar Singh (L.C.C.).

Accused's statement before this Court will be found at Page 524. He asserts that his confession was induced by Police ill-treatment, and denies that Gujar Singh paid for his passage. As in his confession, he refers to bringing his cousin Tara Singh back to India. He denies all allegations of guilt and alleges a quarrel with Sundar Singh (W.G.) about money alleged to have been borrowed at Shanghai. He denies leaving his village after his return; says that approver Natha Singh testifies against

him at the instance of Sundar Singh (W.G.), and makes the usual allegations about having been shown to different witnesses for identification purposes.

His defence witnesses are D.Ws. 15 to 21 inclusive, 30 and 534. The first batch of witnesses (one of whom is accused's first cousin and a *Lambardar*) testify to accused's returning with his sick cousin (Tara Singh), and testify as to character and as to his never leaving his village. D.W. 30 is the aforesaid Tara Singh. D.W. 534 is the Magistrate who recorded the confessions of this and other accused. He admits of course putting some questions to this accused; to clear up ambiguities and because he had already written other statements in which arms had been mentioned, and wished to ascertain "Whether accused had gone for mischief or for an innocent purpose."

Accused's Counsel has urged that the Magistrate "asked accused too many questions." Perhaps there is something in this, but we are perfectly satisfied that the accused did make his confession and without wrongful inducement. We are quite ready to bear in mind that accused was unable to produce Shanghai witnesses re the alleged money quarrel; but the fact remains that D.W Tara Singh was not even questioned on the subject. As regards the point that accused's confession was not recorded for 8 days, it must be remembered that the Magistrate had other statements to record; and a reference may be made to the footnote re accused on page 378; and to our opening remarks in this individual case.

In our opinion the case against this accused has been thoroughly proved.

We are, in short, satisfied that the accused came back to India, joining in a hostile array to subvert Government and that he participated in the Jhar Sahib Sarhali array. **We sentence him under section 121, Indian Penal Code, to transportation for life and direct that his property, liable to forfeiture, be forfeited to the Crown. We do not, however, consider him a very serious offender; and we recommend him to mercy, and that the sentence of forfeiture be not enforced.**

91. Teja Singh, son of Sundar Singh, of Sandpura, Police Station Khalra, District Lahore, aged 30:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 683), is not a returned emigrant. He was arrested on 12th

September 1915.

He was identified on Jail Parade by approver Sundar Singh (W.G.); and P.W. Surain Singh, who could not name him, but said he had "seen him somewhere." In Court by Kala Singh, approver, and P.W. Surain Singh; Sundar Singh (W.G.) mistaking him for accused Natha Singh of Dhun (61).

We shall have to consider later with regard to him the confession of a co-accused.

Approver Sundar Singh (W.G.) has included this accused in the list of persons present at the Jhar Sahib gathering of November 26th, 1914; and this is corroborated by approver Kala Singh, who stated that he had known accused since the *Ghadr* started. The only questions put to this last witness in cross-examination were directed to showing that Kala Singh had some opportunity of seeing accused at identification, or before a Magistrate at the time of remand, and so on.

P.W.1 Surain Singh states that accused was at the Jhar Sahib when some people met there on November 30th; but returned home, and was not present next day. At the Jhar Sahib Accused described himself as "Mula Singh of Sugga." He did not know accused before; nor heard him lecture. He admits that he first-learnt that accused's name was Teja Singh at Jail parade identification; and says that he did not name him to Inspector Harkrishan Singh, but gave a description.

P.W. 128 (Sub-Inspector of Patti *thana*) states that he was ordered to enquire about accused's having a saw or a revolver; and that on September 24th, 1915 (i.e, 12 days after his arrest) the accused produced the *saw* (Exh. P. 9 B), from his *haveli*. Accused told the witness he had been given it by Lal Singh of Bhure (L.C.C.); it is now in a rusty condition.

P.W. 129, a *zaildar*, tendered to corroborate this discovery was not cross-examined.

The co-accused who mentions this accused in his confession is 15 Ganda Singh, *Nihang*, who speaks of him as at the Khairon mound assembly, and at the attempt on Sarhali *thana*.

Accused's statement before this Court will be found at Page 532; and a supplementary statement (in writing) at Page 555. Accused denies ever having called himself "Mula Singh of Sugga." He admits making over the saw to the Police; and says that it was given to his brother some ten years ago by one Bisakha Singh of Tappa. He is, of course, incorrect

in saying that approver Sundar Singh did not identify him on Jail Parade; but correct as regards the identification in Court. He says that the son of Lal Singh of Bhure (that is, Channan Singh, P.W. 185) got approver Kala Singh to name him out of enmity (giving reasons); and that it is P.W. Surain Singh himself who has a relation named "Mula Singh of Sugga."

In his written statement he says that at first the Police did not trouble to take the saw, which is not in a serviceable condition. (It only appears rather rusty). He recounts the service of his relations.

The Defence witnesses are D.Ws 556 to 560 inclusive. They speak as to accused's character; his illness; the services of relations; and the enmity of Lal Singh of Bhure (L.C.C.) and others. They are not particularly convincing.

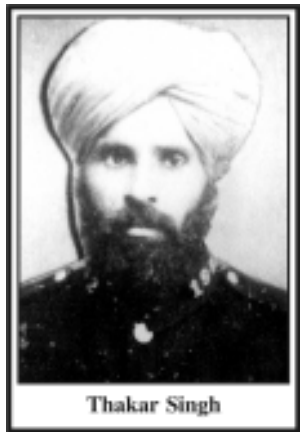
We, however, are of opinion that this may be a doubtful case. We agree with Defence Counsel's contention that we should exclude that portion of the statement of the Patti Sub-Inspector which says that accused told him he had been given the saw by Lal Singh of Bhure; and we can find nothing on the record to support the Crown Counsel's contention that Sundar Singh (W.G.) mentioned this accused as at Khairon — and Sundar Singh, in Court, mistook him for accused 61. His name does not appear in Khairon note-book; though he is mentioned as at Khairon in the confession of the co-accused, which it was agreed should not be much pressed. The identifications, taken all round are not too satisfactory; and, though the defence have offered no evidence re "Mula Singh of Sugga," we can see no particular reason why he should have been passing under that name at the Jhar Sahib. Moreover, P.W. Surain Singh, who mentions "Mula Singh of Sugga," admittedly did not name him to the Police; first heard his name on Jail Parade; and at Jail Parade could only say that he had "seen him somewhere." The confession of the co-accused does not mention him as at the Jhar Sahib.

In short, we are in some doubt as to the guilt of this accused, and **giving him the benefit of the doubt, we acquit him.**

92. Teja Singh, son of Lal Singh, of Chak 75, Khurianwala, Lyalpur.

[Was made an approver in the course of the trial. — Eds.]

93. Thakar Singh, son of Suba Singh, of Thatian, Police Station Sirhali, District Amritsar, aged 20 (Ex-soldier):—


Thakar Singh

This accused, who is probably rather older than the age he gives (being an ex-sowar of the 22nd Cavalry), pleaded "Not Guilty" to the charges framed against him (Page 685). He arrived at Calcutta on 13th October 1914 by the ss. Nam Sang from Shanghai via Hong Kong; was arrested at Fattchgarh in the United Provinces on the 13th September 1915; and his confession was recorded by a Magistrate on the 17th of that month. We shall also have to consider in connection with him the confession of a co-accused.

He was identified on Jail Parade by approver Sundar Singh (W.G.) and P.W. 15 (who pointed him out). In Court, by the same 2 persons (P.W. 15 saying that he was at the Jhar Sahib); and (25) Achhar Singh (who failed at the first attempt; and regarding whose identification we recorded a note, at accused's request, that accused is a man of *short stature* as compared with the others in the dock). This accused is one of those whom approver Kala Singh failed to identify in Court, on the ground that they were "not well dressed," but added that their names were well known at the Jhar Sahib.

Approver Sundar Singh (W.G.), who spoke of accused as an ex-sepoy of Shanghai, who had come from Hankow, says that he saw the accused on October 13th, 1914, in accused Gujar Singh's party at Howrah Station, that he was at Nanak Singh's *chaubara* about October 17th at Amritsar, and in Gujar Singh's Dewali party there. Accused was one of the revolutionists at Nankana fair; and left there for Lyallpur to go lecturing in the *Bar*. Later, he comes with accused Harnam Singh of Rasulpur to the witness's well, saying that many men in the *Bar* will join; and leaves for Tarn Taran *Masya*, intending to preach sedition on the way there. The witness finds him at the *Masya*, asking about the date for the rising, and later, visits accused to tell him that the date has been altered to November 23rd. Accused attends the Jhar Sahib gatherings of November 23rd and 26th, his name (according to witness) is in the Khairon Note-book, Exh.P.1, and he takes part in the attempt on Sarhali *Thana*. Cross-examined (Page 90) the witness denies that accused ever fought with

him, nor did one Dyal Singh at Shanghai.

P.W. 15 Jagat Singh of Bhure, of course, pointed out accused in Court as seen by him at the Jhar Sahib, and approver Kala Singh corroborates the assertion that accused attended the gathering of November 26th.

P.W. 25 Achhar Singh tells us that he met accused outside a recruiting office about early December 1914. Accused had previously been in the 22nd Cavalry, had recently returned from China, and told the witness that he was re-enlisting for the purpose of spreading *Ghadr* in the regiment. Accused was finally re-enlisted in the 22nd Cavalry, and later, when a detachment of that regiment were given a feast in the Lines of the 23rd Cavalry at Lahore Cantonment, Sowar Jawand Singh of the 23rd Cavalry told Nand Singh that the accused had *re-enlisted* in order to seduce men to the *Ghadr* cause, but that only he (Jawand Singh) had joined. (This evidence is relevant under section 10 of the Evidence Act). Cross-examined (Page 150) the witness says that he and accused enlisted at the same time, and that Gurbakhsh Singh was not present.

P.W. 360 (Inspector Harkishan Singh of the Criminal Investigation Department) testifies to accused's arrest at Fattehgrah (the Regimental Depot) and denies having sent for accused's father.

This accused is mentioned in the confession of co-accused Kesar Singh. He mentions him as coming with accused Jindar Singh to fetch him; and in connection with Khairon and Sarhali *Thana*.

Accused's own confession will be found at Page 536.

It is a very lengthy and detailed confession, and tells how accused's passage to India was paid for by accused Gujar Singh and Sohan Singh of Bhakna (the L.C.C. revolutionist). It affords valuable corroboration of the truth of approvers' stories and connects accused with the Jhar Sahib, Lal Singh of Bhure (L.C.C.), Khairon mound gathering, and the Sarhali *Thana* attempt. There, according to accused, he felt ill and wanted to get away, but was prevented by Sundar Singh, approver, and another co-accused. He mentions going to Dhun, and thereafter fell in with Sardar Gurbakhsh Singh. Jamadar, of the *22nd Cavalry*, and decided to try and re-enlist, and finally was re-enlisted. The statement is corroborative of P.W. 25 Achhar Singh. The confession goes on to say that accused was afterwards implicated in a theft of flower-pots from Bolaram Railway Station, and left the regiment with a bad certificate. He then tried to enlist in the *42nd Regiment*; but, after correspondence

between the two regiments, he was arrested and sent up to the Amritsar Police. It is noticeable that in this confession he made a special mention of accused 24, Harnam Singh of Rasulpur, who was specially named as his associate by approver Sundar Singh (W.G.).

His statement before this Court will be found at page 534, and a supplementary written statement at Page 555-556. He says that the Police placed a statement before the Magistrate, and that he was deceived into thinking he would be let go. He denies that anyone paid his passage money to India, and denies all allegations against him. He admits attending Nankana fair, where he heard nothing about *Ghadr*. He denies re-enlisting for *Ghadr* purposes, and admits meeting P.W. Achhar Singh (approver), who was a stranger, at the time of re-enlisting. He admits his arrest at Fattehgarh where he had gone to re-enlist a second time, and to see his brother, Havildar Ganda Singh. He says that in Shanghai he quarreled with approver Sundar Singh (W.G.) about a goat, and gave him a beating. He says he has relations at the front; and was induced to make a statement by his parents, his *lambardar* and Inspector Harkishan Singh, the latter of who offered to tutor him as to names and villages.

In the supplementary statement (page 555) he gives a list of relations in Government service; and says he was called back from China (he was once at Hankow) to either stay at home, or re-enlists in the cavalry. He sent a letter to his old Colonel, and eventually was called back by his brother to re-enlist in his old regiment.

His Defence witnesses are D.Ws 455 inclusive and 957. They testify to accused's having originally had a good regimental character; and to the services of his relations. D.W. 455, a Sub-Inspector, testifies to accused's father being wired for to Amritsar, probably in September-thus contradicting P.W. Inspector Harkishan Singh. D.W 456 so far corroborates approver Achhar Singh as to say that one Jawand Singh did accompany a machine-gun section of the 22nd Cavalry (with 23rd Cavalry) to the front. D.W. 957 supports re accused's dismissal in connection with the theft of flower-pots; and D.W. 457(accused's brother Ganda Singh, *Havildar of the 47th Sikhs*) produces the letter Exh. D. 36-which appears perfectly genuine. That letter has an envelope with the postmark of Lahore, 7th August 1914; and was passed by the Censor from Hong Kong. Its contents are very good evidence that accused really wished to return to India to re-enlist because his money was spent.

We believe that accused's confession was genuine enough; and we

wish to give him the full benefit of it. Reading between the lines, it supports Defence Counsel's arguments that his client, a young man, was really anxious to return to India simply to re-enlist, and was got at by revolutionists like Sohan Singh of Bhakna and accused Gujar Singh with offers of passage-money. Sedition was talked on board; and even in India Gujar Singh kept a grip on accused, for we find him again paying a rail-fare. Accused is then told by Gujar Singh that he will receive orders; but, when approver Sundar Singh and another person come to him, he pleads illness, and is only persuaded to go to the Jhar Sahib when he is reminded how he was once poor and was helped back to India by having his passage-money paid. Later on, we find him again trying to get away on the plea of illness, but being prevented again by Sundar Singh (W.G.). As soon as he can, he re-enlists in his old regiment (afterwards trying to get into another), and his confession contains no hint that he re-enlisted for *Ghadr* purposes. There seems no good reason why accused should have talked with such confidence to a stranger like approver Achhar Singh outside a recruiting office; and his statement may be somewhat *embroidered*; and part of it was only what he says Jawand Singh told him. It is also quite possible that accused may simply have talked in his old regiment of his *Ghadr* experiences; and we find his alleged sole convert (Jawand Singh) on his way to the front.

Our conclusions are that this accused did go to the Jhar Sahib, and take some part in the incidents which followed, largerly under considerable pressure and persuasion; but he *was not a whole-hearted revolutionary*.

Still he did take part in the Jhar Sahib-Sarhali array, knowing what its objects were; and we are compelled to convict him under section 121, Indian Penal Code, for waging war; and **sentence him to transportation for life, and direct that all his property, liable to forfeiture, be forfeited to the Crown; but we recommend him very strongly to mercy and that the sentence of forfeiture be not enforced. — 3 years**

94. Thakar Singh, son of Katha Singh, of Waltoha, district Lahore, aged 17 (looks a little older):—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 687), is not a returned emigrant; and was arrested on the 18th September 1915. He is mentioned in the confessions of certain co-accused.

He was identified on Jail Parade by Sundar Singh (W.G-who pointed him out as "having seen him at night"); and Natha Singh (not by name, but as seen at the Jhar Sahib and Khairon). P.W. 10 (Mr. Scott), cross-examined (Page 309), could not say whether Sundar Singh mentioned accused's village; nor remembered whether Natha Singh only identified him at a second trial.

In Court, the same two approvers identified him. His age of course might render him the more conspicuous.

Approver Natha Singh, who could not name him, simply picked him out as at the Jhar Sahib and Khairon; while Sundar Singh (W.G.), who says he knew him before, makes no mention of him as at the Jhar Sahib; but says that accused's name appears in the Khairon note-book, Exh. P.1; and that he took part in the abortive attempt on Sarhali *Thana*.

P.Ws. 165, 166, 167 are men of his village Waltoha; but we do not attach much importance to their statements that they saw accused and other co-accused leaving the village together-presumbably, according to the prosecution, for the Jhar Sahib or Khairon.

P.W. 168 is the Sub-Inspector of Waltoha, who says he arrested accused on the strength of the note-book, Exh P. 1, and information afforded by the above witnesses and the co-accused Mangal Singh of Waltoha and Suja Singh.

A "Thakar Singh of Waltoha" is mentioned in the confessions of co-accused 49 Labh Singh of Waltoha and Sultan Shah. The former says that he and accused and others left the village with the idea of looting Sarhali or Tarn Taran Police Station. They went to the Jhar Sahib and to Khairon; and on towards Sarhali *Thana*; and then tried to get away home, but were threatened with death by Lal Singh of Bhure. Eventually they managed to get away. Co-accused Sultan Shah's confession is corroborative of this story from Khairon onwards.

Accused's statement will be found at Page 540. He denies everything, and says he has never seen the Jhar Sahib. He says that a Sub-Inspector has involved him in this case because he refused to give evidence about a fight in his village; that the co-accused Labh Singh and Mangal Singh of his village have had quarrels with him, so he could not have associated with them for any purpose whatsoever; that P.W. 165 Ishar Singh's nephew was imprisoned "on our complaint;" and that P.W. Ijaib Singh was in the *Thana* with him at Amritsar, and the Police got him to testify. The accused concludes by saying that there are many men of his name in

Waltoha.

Exhibit D. 44 is relied on by the defence. It is a report to the Police made by one Jawahir Singh on 19th July 1915; and the exhibit contains 2 pound receipts. None of these documents are of any material use to the accused.

The defence witnesses are D.Ws. 504 and 636 to 645 inclusive. The first is really a witness for accused Suja Singh, and he says that the accused whose case we are considering bought land from a *Brahman*, and quarreled with accused Mangal Singh, who had land adjoining, about the building of a wall. The remaining witnesses are as to character, and say that Waltoha is a big village with several "Thakur Singhs" in it. They say that accused was never absent from the village during Maghar; and that he is on bad terms with the co-accused Mangal Singh and Labh Singh.

We do not attach much weight to the defence argument that, because of some quarrels with co-accused (of which there is very little proof) this accused could not have joined the same gang for a common object. In addition, Counsel for the Defence has urged that approver Natha Singh (Page 101) "could not say" who the Thakar Singh in the note-book was-this is correct. He has urged that approver Kala Singh and other Jhar Sahib witnesses have not mentioned accused; and that, in any case, his client was very young and ignorant.

Counsel for the Crown did not wish to urge anything special.

We have some doubts in this case as to the identify of the accused, **and we give him the benefit of it, and accordingly acquit him.**

95. Thakar Singh, son of Kharak Singh, of Khile, Police Station Vairowal, Amritsar.

[Discharged. — Eds.]

96. Udham Singh, son of Jiwan Singh, of Ladupura, Police Station Wairowal, District Gurdaspur, aged 18:—

This accused, who pleaded "Not Guilty" to the charges framed against him (Page 689), is probably older than the age he has given. He reached Calcutta (he says, from Hong Kong) on the ss. *Tosha Maru* on October 29th, 1914.

He was identified on Jail Parade by approvers Sundar Singh (W.G.), and Natha Singh; and by P.Ws. 175 (not by name), 182, 198. In Court

by the same 2 approvers, and approver Kala Singh

Approver Sundar Singh (W.G.) speaks of him as one of the revolutionists at Nankana fair; and says that he, about November 17th, 1914, visited him (the witness), along with Harnam Singh of Sialkot (L.C.C.) on the way to Tarn Taran *Masya*; where the witness finds him enquiring about the date for a rising. He is present at the first meeting at the Jhar Sahib; and at the gatherings of November 23rd and 26th. His name, according to witness, is in the Khairon note-book, Ex.P. 1; he takes part in the Sarhali attempt; ad goes on to the Dhun *zamindar*. About December the 3rd, 1914, the witness, after his return from Lahore Cantonment, meets accused in the company of Harnam Singh of Sialkot (L.C.C.), at Sur Singh; and some days later, Kala Singh (since hanged) tells the witness, who had given up *Ghadr* notions, that accused is with Natha Singh, approver.

Approver, Natha Singh, who remembered accused's name during his statement, corroborates the previous witness as to accused's presence at the Jhar Sahib on November 26th; at Khairon, and at Dhun. The witness goes on to say that, after his return from Lahore Cantonment, he and Sundar Singh, approver, told this accused and Harnam Singh of Sialkot that he and Sundar Singh were no longer members of the *Ghadr* party. He gives corroborative evidence that accused and accused Budha Singh themselves relinquished *Ghadr* ideas; and toured about with him for a time as his *sewaks*. Cross-examined (Page 104) he says that he learnt accused's name from accused Budha Singh; and that he never heard him lecture.

Approver Kala Singh, who says he has known accused since the *Ghadr* started, corroborates that accused was at the Jhar Sahib gathering of November 26th.

P.Ws. 175, 182 and 198 are concerned with accused's wanderings with Natha Singh, approver.

P.Ws 203 and 204 (a Sub-Inspector of Gurdaspur and a *lambardar*) are concerned with reports regarding accused absence from his village. The first of these witnesses says that accused was absent on November 21st, 1914 and returned in February 1915. The witness had received orders to watch him and his report is Exh. P. 104 (including accused's personal file).The *lambardar* who says that accused returned to the village from abroad in *Bhadon*, and who also reported, had himself received orders about 1½ months before.

P.W. 212 (Circle Inspector, Gurdaspur) on the 7th November 1914 (*vide* Exh. P. 104) ordered the Sub-Inspector to watch accused in the event of his returning from abroad. No *Gil Jat* of that name could be found in the village, and accused (*a Saini*) had not turned up, but reached the village in February 1915. Exh. P. 107 is a copy of a list of arrivals by the *Tosha Maru* containing the name "Udham Singh, *Gil Jat*." (The accused himself says that he is a "*Saini Gehlan*" by caste). Cross-examined, the witness says that accused was under supervision since his return to his village in February 1915; the *lambardars* reporting about him, since when the witness heard of no complaints of his conduct.

This accused's statement will be found at Page 541. Accused denies the allegations against him; and says he returned from Hong Kong after 3 or 4 months for want of employment. He says that he was in approver Natha Singh's employ to look after his horses; and accomplanied him about as his servant, not as his *sewak*. He tells the usual story as to opportunities afforded to approvers for identifications; says that he was ill-treated by the Police for refusing to give evidence; and says that approver Natha Singh declined to give him wages and struck him.

His defence witnesses are D.Ws 689 to 694 inclusive. Two of these are accused's father and uncle, who testify to accused's character; and along with the other witnesses say that accused did not absent himself from his village Ladhopur. This evidence would appear to militate against accused's own statement that he was Natha Singh's servant, since that approver lives at Sur Singh. Moreover, accused's own father only says that "accused mentioned one Natha Singh as his employer". There is no evidence produced to support the story of a dispute about wages.

There is nothing worth saying about the remarks of counsel for the defence; and the Crown counsel admits that the evidence of P.Ws 203, 204 and 212 was only produced with regard to accused's absence from his village; not for the purpose of proving that he was really "a dangerous man." It is also to be noticed that accused's alleged enemy, Natha Singh, obviously showed no desire to drag him into his statement (see back).

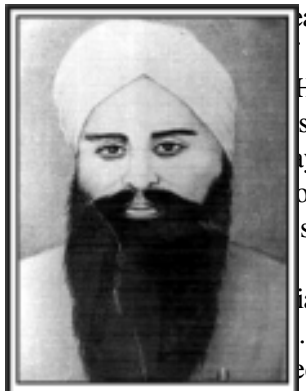
We can see no reasons for doubting the prosecution evidence against this accused; but we remember that he is young (probably, about 19); and we think that, being at a somewhat loose end after his return from abroad, he got mixed up in the following of approver Natha Singh; and was probably rather proud of dancing attendance on such a man, who was a *Mahant* and a descendant of Baba Bidi Chand.

We are satisfied that accused returned to India and on arrival became associated with other revolutionists, and joined in the Jhar Sahib-Sarhali array. We find him guilty under section 121, Indian Penal Code, and **sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown; but in view of his youth and of his possibly being a satellite of Natha Singh, we recommend him to mercy and that the order of forfeiture be not enforced. — 7 years.**

97. Ujagar Singh, son of Gurdit Singh, of Munda Pind, Police Station Sirhali, Amritsar.

[Discharged. — Eds.]

98. Uttam Singh, alias Ragho, son of Jita Singh, of Hans, Police Station Jagraon, District Ludhiana, aged 32 years (Cousin of 30):—


Uttam Singh

aded "Not Guilty" to the charges framed against the most important accused in this case, with He asserts (and has produced many defence s name has always been "Ragho Singh," never ys that he returned to India by the s.s. Tyneo olombo.

show that he, along with the co-accused Ishar Mastan Singh came from Canada by the ss. iana between the 17th and 21st December 1914; . Slattery (Page 548 and 549 of the printed ed), should be seen. He states that the aforesaid ss. Australien from Hong Kong to Colombo; and that the accused whose case we are considering was registered by Mr. Isemonger of the Police at Ludhiana as "Ragho Singh". He says that the Australien reached Colombo on 12th or 13th December 1914; and that the passengers of the ss Om Sang (which reached Calcutta on January 3rd, 1915) and of the Australien were really of one party. They arrived together at Hong Kong on the ss. Mongolia, and could not get passages to Calcutta for some days beause of the raids of the German boat, the Emden — so 94 persons took passages to Colombo by the French Mail Steamer Australien. Cross-examined, this witness stated that he had a note to the effect that some 150 persons reached Japan on

the Tyneo Maru; and at Nagasaki were transferred on to the Mongolia, which already had about 100 passengers. He could not say whether it would have been possible for this accused to have changed on to the Australien at Shanghai. Later on in his cross-examination, the witness stated that the reason why he spoke of the Mongolia passengers as "a party" was because the Police information (from the Japanese Police) has that those persons were expected by "a certain person" in Japan; and because they came on the Mongolia instead of continuing on the Tyneo Maru which they could have done. The witness was unable to say whether this accused travelled by the Tyneo Maru.

This accused, who is a cousin of accused 30, Indar Singh, of Sheikh Daulat, is alleged to have been one of the persons absconding at the time of the Lahore Conspiracy Case; and was arrested along with accused, Ishar Singh, on the 19th September 1915. We shall later have to consider with regard to him the confessions of two co-accused.

He was identified on Jail Parades by approvers Sundar Singh (A.M.), who could not remember his name; Udham Singh of Hans; Bhagat Singh, Bachan Singh, Amar Singh II, Arjan Singh (who "saw him with Ishar Singh"), and P.W. 234 (the *sharbat*-seller of Hoti Mardan).

In Court by Udham Singh of Hans (who, of course belongs to accused's village), Sundar Singh (A.M.), Bachan Singh, Arjan Singh, Amar Singh II (after first wrongly identifying accused 26, Harnam Singh as him), P.W. 234, and P.W. Ichhar Singh as a man of Hans, whose name he could not remember at the moment, but whom he had seen at Lohatbadi). Approver Bhagat Singh in Court wrongly identified accused Ganda Singh *Nihang*, and then accused Sadhu Singh as this accused. Approver Anokh Singh did not identify him P.W. 60 (a student) failed on Jail Parade; and approver Narain Singh in Court; and P.W. 284 (Sewa Singh, son of P.W. Ichhar Singh) also failed in Court.

Approver Sundar Singh (A.M.), cross-examination of whom elicited nothing of any importance (*vide* pages 162, 163), though the witness appears to be mistaken in saying that he mentioned accused's name on Jail Parade, has a lengthy story about him, which runs as follows:-The absconding accused Indar Singh of Patiala tells the witness that accused (armed with a pistol) was present at a meeting at Lohatbadi with accused 17 Gandha Singh (sentenced to death by this Court for his share in the Ferozshahr murders) and others, when it was decided to commit a dacoity at Jhaner. The witness and Indar Singh go to Lohatbadi school *Gurdwara*

where they meet this accused and the notorious Nidhan Singh (L.C.C.); and thence to P.W. Ichhar Singh's *chaubara*, where they meet the aforesaid Gandha Singh, and discuss a dacoity at Jhaner. The accused, however, says that it is too close to Lohatbadi; and the idea is abandoned. Next morning; another meeting is held at Ichhar Singh's *chaubara*; and Gandha Singh and the absconding accused Sewa Singh are dispatched to Ase Majri on approver Narain Singh's camel. The accused is present at a meeting re the making of cartridges and gunpowder; and later, Indar Singh of Patiala tells the witness of the Rabhon dacoity of February 3rd, 1915; and says that the accused and Gandha Singh want to see the witness at Lohatbadi. He finds the accused there with Indar Singh, Gandha Singh and Buta Singh (since hanged); and P.W. Ichhar Singh says that some Rs. 1,500 of Rabhon loot has been dispatched to the *Ghadr* party at Amritsar and elsewhere by the hand of this accused. A day or so later, the accused and the Anarkali murderer visit the witness to see if his house is suitable for *Ghadr* purposes; and a man from the "Doaba Party" comes, saying that he has been sent by accused to see whether *Ghadr* men can be put up at the witness's house. Later, the accused and Gandha Singh decide to make *lota* bombs with screw tops; and the accused and the witness and accused Karm Singh buy 1 brass and 2 white metal *garwas* for Rs 4 in Patiala (*vide* Exh. P. 38). The accused, witness, Gandha Singh and accused Karm Singh go to the house of Ram Singh, reservist Gujarwal, taking the *garwas*, where they attend the secret meeting held by accused Randhir Singh, and accused says that a *Nihang* Sikh near Gujarwal can supply arms for 100 men. The accused then goes with accused 23 Harnam Singh and accused Jagat Singh to the *Nihang*; and returns with the information that arms can be supplied for a rising. After the arrest of approver Narain Singh and P.W. Ichhar Singh the accused and accused Karm Singh say that they will continue to make bombs at the house of Chuhar Singh of Lill or Nand Singh of Kaile (L.C.C.), and they take over the *garwas* left at Ram Singh reservist's house. Later, the accused visits this witness when approver Udham Singh and accused Karam Singh are present; and Karm Singh tells how accused Randhir Singh has learnt from the notorious Kartar Singh of Soraba (L.C.C.) of the projected rising at Ferozepore for the night of February 19th, 1915. On the 19th (says this witness) the accused gets into the train at either Ludhiana or Mullanpur, armed with a pistol; and at Ferozepore goes with Kartar Singh of Soraba to the Lines to see what is happening. They

go again; and return with the information that the Military authorities are on the alert; and, after the collapse of the enterprise, accused leaves in company with Lal Singh and Buta Singh (hanged). It would be difficult to find a more detailed statement than this; it is absurd to suppose that this witness invented it, or that it was invented for him; and cross-examination really elicited nothing.

Approver Bhagat Singh (whose identification in court we bear in mind) speaks of accused as "a *Ghadr* leader." He corroborates that accused was at Mullanpur Station in the 11th February; and, cross-examined, says (Page 245) that he learnt accused's name there from accused 23 Harnam Singh of Gujarwal, i.e., the man alleged to have accompanied this accused to the *Nihang* Sikh). The witness says that he never went to accused's village. On the 19th May 1915, no doubt he promised the Superintendent of Police to assist in the capture of accused.

Approver Bachan Singh states that accused was one of the *Ghadr* men who used to visit accused Pakhar Singh's well; and he also asserts that accused was present at the assembly on June 5th, 1915, in a garden near Kapurthala for the projected attack on Kapurthala Magazine.

Approver Udham Singh of Hans, of course, belongs to accused's village; and his story is as follows:-About the middle of December 1914, after the witness' return from Italy, he meets accused in his village, and tells him how he had to return from Naples, being considered an undesirable immigrant on account of some eye-disease; and the accused then, and afterwards, indulges in tirades against Government and speaks about the grievances of Indian students. At the Islamia High School Boarding House in Ludhiana, the student accused Sajjan Singh tells Kartar Singh of Soraba (L.C.C.) that the witness is acquainted with accused; and the same evening the accused tells the witness that he had attended a *Singh Sabha* at Raikot and met members of the *Ghadr* party; also, an *Akhand Path* at Narangwal, where accused Randhir Singh, Mastan Singh and Sajjan Singh had been present, and he (the accused) had told Sajjan Singh student to enlist the witness in the *Ghadr* ranks. He also tells the witness that dacoities are being committed, troops seduced, and that the day for a general rising will shortly be announced. He takes the witness off to Kaile, and introduces him to Nand Singh (L.C.C.) of that village (whom the witness identified in the condemned cells at Lahore Central Jail). He then takes the witness to Lohatabadi, and introduces him to P.W. Ichhar Singh, saying that Ichhar Singh can inform the witness of his (accused)

whereabouts. On February Ist, the day after Nidhan Singh (L.C.C's.) arrival with a bag of bomb material from Jhabewal, accused turns up at Ichhar Singh's Gurdwara in company with Buta Singh (since hanged). He tells the witness to get Rs. 1,000 from accused Gandha Singh, and meet him with Nidhan Singh at Kaile; and leaves with Buta Singh. After this, accused Gandha Singh (who implicates accused to witness as one of the Rabhon dacoits) in the witness' presence makes over the money to accused Ishar Singh and Nidhan Singh, who start for Kaile. On the way there, the accused meets them near Littran village, and goes with the witness to Kaile, arranging to meet the other two next day at a canal bridge. Accused and the witness put up with Nand Singh of Kaile; and next day all three meet Ishar Singh and Nidhan Singh, and the accused tells Nidhan Singh to take the money off to the Amritsar *Ghadr* Committee; himself leaving with the witness for Ludhiana; and thence to Sri Shankar to meet another returned emigrant. (Compare approver Sunder Singh's and P.W. Ichhar Singh's statements about this supply of funds for the *Ghadr* Committee). To continue the witness' story :- He and accused go on to Jullundhur, the accused asking whether he knows any student there who can be won to the *Ghadr* cause; and there the witness takes accused to P.W. 60, a student, to whom the accused preaches sedition, but who refuses to join. Accused then leaves for Patiala; telling the witness to meet him at the hose of approver Sunder Singh (A.M.). On February 18th, Sunder Singh tells the witness that accused has gone to see accused Randhir Singh; and at 3 A. M. on the 19th the witness meets accused at Ludhiana Station, who tells him that the rising will start that evening; and takes him to Randhir Singh's house, where they find assembled a number of the co-accused (named by the witness) and other persons. Accused then takes the witness and accused Surjan Singh with him to collect accused Sarwan Singh and Jagat Singh; and visits Kaile, but finds Nand Singh absent. The witness then again corroborates by telling us how he and accused took train at Mullanpur; and attended the reed jungle gathering at Ferozepore. After the collapse of the Ferozepore enterprise and the decision to attack the Military guard at Doraha Bridge, the witness, accused and others leave from the Cantonment Station for Jitwal and elsewhere. On the 21st, the accused says that he is ill; but will follow to Doraha; and late, at Ludhiana, the witness tells accused how that enterprise also came to be abandoned; and accused leaves with Chanan Singh and accused Ishar Singh for Kaile,

telling the witness to enquire for him there.

This witness admits that subsequently, he was employed by the Police to ascertain the whereabouts of this accused; but we would reiterate our impression that it would have required an almost superhuman intelligence to have invented such detailed statements for the different approvers and witnesses making them *dovetail* into each other in such quantities of places.

It was only to be supposed that this witness, being of accused's own village, would be subjected to strict cross-examination (a portion of which the accused wished to conduct himself); and let us see the result. A portion of it appeared to be mere fishing for information on vague questions; and we learn that Gujar Singh is *lambardar* of the witness' *patti*; that one Attru was once his neighbour, but that he does not know one Joti. That accused left Hans in January 1915, because the Police wanted to arrest him. Questioned in detail as to his journeyings with this accused, the witness was able to describe different routes traversed. The witness absolutely denies (*vide* page 213, near the bottom, for details) having asked accused to lend him money to repay loans advanced by British authorities in connection with his own travels; and he tells us that his father repaid through a Tahsildar monies advanced by a British Consul in connection with a passage. He knows of no dispute between his and accused's *patti*; nor of any case between accused and one Kanbu or Sundar. At the bottom of page 213, we find a brief re-examination in regard to certain dates.

Approver Arjan Singh's statement is very brief. He simply says that this accused, whom he did not know before, came with accused Ishar Singh (whom, of course, the witness knew very well), and told him to be ready for a rising. Accused had an 8-chambered revolver with him (page 201).

Approver Amar Singh II corroborates that accused (armed with a revolver) was present at the assembly on June 5th at Kapurthala for an attack on the Magazine. Cross-examined (page 242), he says that he did not actually see the revolver, but that accused told Buta Singh that he had it; and the witness also stated (in answer to Defence Counsel) that he had mentioned the revolver in his statement to the Magistrate. (This is correct; *vide* page 4 of the printed statement to the Magistrate; to whom he also gave a description of this accused). There was the usual attempt to make out that the witness, who says he only belonged to the *Ghadr*

party for a very short time, must have met and observed whilst in custody in the *havilat*.

Approver Anokh Singh tells us that on February 14th-15th (the date is fixed with reference to the arrest of approver Mula Singh, which occurred on the 13th) at the Lahore *Ghadr* house (No. 1-the Mochi gate house) Kartar Singh of Saroba sent him to Dhundari to get news of this accused from accused Randhir Singh, and to give accused a sovereign. The witness, however, finds that accused has left for Amritsar. On the 19th February accused arrives at Ferozepore with Randhir Singh's party (corroborative evidence); and the witness at this point tells us that he only then knew accused by name; but that he was pointed out to witness by approver Udham Singh of Hans. He also gives corroborative evidence by stating that, after the failure at Ferozepore, this accused and accused Gandha Singh suggested the attack on Doraha Bridge for arms (with a view to a future attack on Ferozepore); and that, on the night of the 21st February, at the assembly for the abortive attack at Doraha, Gandha Singh regretted the absence of this accused (compare Udham Singh of Hans as to accused's absence on account of illness). The cross-examination of the witness merely elicited that when sent by Kartar Singh to Dhundari, he did not know accused, nor his village.

P.W. 60 (page 225) is Nirbhai Singh, a student of the *Khalsa* School at Jullundhur. He is the student mentioned by Udham Singh of Hans (whom he pointed out in Court as having been a fellow-student), to whom accused preached sedition. He says that accused also spoke to other youths about *Ghadr*. He had never seen accused before; and failed to identify him on Jail parade. He learnt his name from Udham Singh.

Approver Narain Singh tells us that accused was one of those who assembled at Kishan Das *sadh's*, and took part in the Rabhon dacoity. He did not know accused before; could not identify him; and only heard from Sewa Singh (an absconder in the L.C.C. that accused had a pistol. This does not look much like tutoring; and in cross-examination this witness asserts that the accused was called "Udham Singh" not "Ragho" — which point is important.

P.W. 317 Ichhar Singh states that Buta Singh (since hanged) told him that this accused sent him *Ghadr* newspapers from America (we-have seen how other witnesses have mentioned this accused in association with Buta Singh). He mentions Nand Singh of Kaile (L.C.C. — another associate of accused, according to the testimony of other witnesses)

bringing accused to him at Raikot; and he says that accused visited him, saying that he was absconding because of the Police. He says that at a meeting at his house on the days following the Lohatbadi School meeting of the 8th *Magh*, accused spoke *Ghadr*, and displayed what the witness calls a 7-chambered automatic pistol. He mentions accused in the company of Nidhan Singh; says that accused sent Rs. 150 towards the purchase of 2 guns; and that accused left with him a pistol like Exh. P. 73 A. which the witness afterwards made over to the Jhaner dacoits. He thinks (but is not certain) that accused was present 2 days before the Rabhon dacoity (which took place on February 3rd) when Nidhan Singh was asked to make bombs (compare approver Udham Singh of Hans; and his date, February Ist). He also gives evidence in corroboration of the episode concerned with Gandha Singh, Nidhan Singh, this accused and the Rs. 1,000 for the Amritsar *Ghadr* Committee; and concludes by saying that he, Udham Singh of Hans, accused and others (named) agreed that certain alleged "traitors" ought to be killed. Cross-examined he says that he only once went to accused's village Hans-8 years ago. He never saw any copy of the *Ghadr* alleged by Buta Singh to have been sent him by accused. He could not identify accused on Jail parade because his eyes were bad "(but see the evidence of Major Ward Superintendent of Lahore Central Jail and Mr. Scott, at page 38 re this assertion). He says that it was Buta Singh who brought the Rs. 150 as coming from accused; and that the pistol was left with him less than a week before the Jhaner dacoity. He *does not think* that the accused and Udham Singh approver ever visited him *together* (Udham Singh says they did — at the time when accused introduced him).

P.W. 234 is the witness who keeps a *sharbat*-shop at Hoti Mardan. He identified accused on Jail parade and in Court (when challenged by Defence Counsel) as one of the men who towards the end of June 1915 (i.e. after the hue and cry which followed the Kapurthala meetings and the attack on Walla Bridge) were in Mardan anxious to get across the border.

P.Ws. 61 to 64 inclusive, and 220 are concerned with the arrest of this accused along with accused Ishar Singh in Faridkot State territory. They were arrested together on September 19th, 1915; and our remarks in accused Ishar Singh's case will apply to this case. They had been lurking at a *sadh's kotha* on the outskirts of a village; and their conduct had aroused suspicion. We see no reason whatever for doubting the

evidence that, when arrested, they started singing seditious songs, and regretted not having had weapons with them; nor the evidence as to the search of the kotha, and the finding of the revolver, automatic pistol, cartridges, etc. therein (*Exhs.* P. 73A, 74, 75, and *fard baramdagi* 76.)

Lastly, for the prosecution, we should notice the evidence of P.W. 347, Inspector Ahmad Khan, re the slip of paper found in Lahore *Ghadr* house No. 2; following the Police raid of the 19th February 1915. The slip of paper (Ex. P. 237) has been proved to out satisfaction to be in the handwriting of the arch-conspirator Rash Behari Bose; and we adopt, *mutatis mutandis*, our remarks on the point from the case of accused Randhir Singh. Our remarks, are, of course, only conjectural; but it is certainly noteworthy that on the slip of paper the name "Uttem" is written next to the name "Randhir"; and that both this accused and accused Randhir Singh are alleged to have been at the Ferozepore assembly on the 19th February. It is also possible, but a conjecture, that this is one reason why the accused is so anxious to deny that he has ever been known as "Uttam Singh". The accused is also implicated in the confessions of two co-accused Nos. 62 and 64.

Accused No. 62 stated in his confession that he came to know accused on board ship, and after arrival in India was frequently visited him and accused 32 who told him they had several regiments on their side and would soon drive out the British.

He also mentioned meeting Uttam Singh after the Kapurthala gathering of 5th June, the accused explaining why the enterprise had failed, telling him also of 8 men having gone to the Walla Bridge to seize arms, and fixing the 12th for another attempt at Kapurthala.

Accused 64 in his confession also refers to this latter visit.

Accused's statement is recorded on page 542 of the record. He admits returning to India; as he says, because he could get no work to do.

To all the allegations against him he returns a direct negative, and asserts that the Uttam Singh of Hans required is a totally different person of another Hans; and that he himself is not and never has been called Uttam Singh, his real name being Ragho Singh. He admits being arrested in Faridkot State in company of accused 32; but denies the story of the prosecution in regard to the revolvers found, and says he left his village, notwithstanding a restriction order, and ran away to Faridkot because he feared that, being a returned emigrant, he would be seized and would disappear from view. He further contests the fairness of the identifications,

and asserts that on his arrival in his village the police were satisfied he was Ragho Singh, and not wanted.

He has produced certain exhibits. D. 51 consists of a number of counterfoils of cheques drawn in the name of Ragho Singh, in Canada; and a *khasra gardawari* of 1914-15 showing the name Ragho.

D. 50 is a copy of a judgment showing accused was charged in a case in which one *Mussammat* Heno, said to be a relative of Udham Singh witness, was complainant.

D. 60 is a judicial record put in to show that accused 30, sister's son of accused, was an enemy of Udham Singh, witness.

He has produced or examined 49 witnesses produced by other accused.

Witness 351 merely shows that Bhola, a witness in the case referred to in D 64, was a relation of Udham Singh.

Witnesses 756, 758, 759, 760, 761, 763, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 776, 777-780, 787, 788, 790, 791 depose that either accused has always been known in his village as Ragho Singh, or left his village for fear of interment, or was involved in the case to which D. 50 refers, or never left his village till he bolted through fear.

D. W. 757 (S.I.P. Muhammad Ibrahim) merely shows accused was in his village on one occasion in January 1915, when he was there. The witnesses 782-786, 799 deny the story of the recovery of a revolver on his arrest; and witnesses 1017-1018 say that on Jail parade the identification parade was not fair.

The Counsel for Defence has practically confined himself to a very able argument as to the identify of the accused; and urges that whereas the man really wanted has always been known in America and India as Uttam Singh, his client has always been Ragho Singh; and also urges that the Uttam Singh of Hans required is an Uttam Singh, who returned on the *Tosha Maru*.

We can dispose of the latter matter very easily. No doubt the complainant was under the impression that the Uttam Singh of Hans, who committed all the acts alleged, came on the *Tosha Maru*, for the reason that the passenger list of that ship contained such a name; but not a single witness has ever said that the man before us came on the *Tosha Maru*; and we now know from the C.I.D. lists that the Uttam Singh, who came on the *Tosha Maru*, was interned long before the acts with which accused is charged in India were committed.

Counsel presses on us the defence evidence from accused's village, and maintains the prosecution witnesses have substituted his client for the real man. He particularly urges that P.W. 226 has not identified him, that Sundar Singh and Udham Singh assign him to a different gang in Ferozepore and afterwards, that Ichra Singh did not identify him on Jail parade and remembered his name in Court with difficulty; and urges that Ichra Singh says he saw him in Raikote in December, when the defence maintain accused never left his village; and also that Narain Singh does not mention seeing him in Lohatabadi prior to the dacoity, and that Bhagat Singh's Jail identification was bad.

In regard to these points there is no real force in them; there was after all only one ultimate gang in Ferozepore, and in a large mob one man sees another at one moment, and another at another; Ichra Singh on Jail parade was not particularly anxious to identify anyone, and Narain Singh did not see him at Lohatabadi before the dacoity, for the simple reason he himself did not go to the *Dharamshala*; and as to Raikote the evidence is over whelming that Uttam Singh did go there on the 30th December.

The very fact that the *Tosha Maru* Uttam Singh of Hans was interned long age cuts the ground from under accused's feet-there is no other Uttam Singh known.

We have carefully checked all the prior statements, and find that from the start the Uttam Singh wanted is commonly spoke of as "Uttam Singh, who is known in his village as Ragho Singh;" and that the Uttam Singh required was a constant associate of Kishen Singh on boardship;and that Kishen Singh accused, on our question in Court, has admitted as of his own Hans.

The Government Advocate, considering his case overwhelming addressed us very briefly; and urged that the death penalty should be inflicted on this man, pointing out also that it is probable that, though the accused's ordinary name is Ragho Singh, his *Tat Khalsa* name would be different, and mentions that Uttam Singh is his *Tat Khalsa* name.

We are perfectly satisfied this accused is the Uttam Singh required; we cannot doubt the evidence of identification, which is to us overwhelming, and there is nothing more to be discussed.

We are satisfied that accused came to India to subvert Government; that on arrival he early got in touch with the Lohatabadi revolutionists, and participated in the Jhaner dacoity. We are also satisfied that he assisted

in procuring arms and ammunition in Lohatabadi, and in making bombs; that he was present at the Gujarwal secret meeting, and took part in the Ferozepore raid; and we think the name "Uttam" found in Rash Behari Bose's slip refers to this man.

We are satisfied also that, thereafter, he got into touch with the Dhudike revolutionists and was present at the Kapurthala gathering on 5th June, when the Walla Bridge attack was decided upon and the murders there thereby abetted, and that he absconded fearing arrest for his crimes, and was caught in Faridkot State, having arms in the house occupied by him.

It is unnecessary to recapitulate his other activities; the major ones suffice.

We find him guilty under sections 121, 395, 302, 109 of the Indian Penal Code and sentence him to be hanged by the neck till he be dead, and we further direct that his property, liable to forfeiture, be forfeited to Government.

[Hanged in Central Jail Lahore on 18.06.1916. — Eds.]

99. Wadhawa Singh, son of Jhanda Singh of Dugri, Police Station Tarn Taran, Amritsar.

[Discharged. — Eds.]

100. Wasakha Singh, son of Ishar Singh, of Dadher, Police Station Sirhali, District Amritsar, aged 32 :—

[Wavered on 8-9 March 1918 and did not attempt Jail escape which he could. — Eds.]

This accused, who pleaded "Not Guilty" to the charges framed against him (page 693), arrived in Calcutta by the s.s. Nam Sang from Shanghai vid Hong Kong on the 13th October 1914. He was arrested on the 12th September 1915.

We shall have later to consider in connection with his case the confessions of certain co-accused.

He was identified on Jail parades by approvers Sundar Singh (W. G.) and Natha Singh, and P.W. Surain Singh (who called him Narain Singh, and said he had seen him at Dadher). The same three persons identified him in Court : and approver Kala Singh failed to do so, saying with regard to certain accused that he had failed because they were not well dressed, but that their names were well known at the Jhar Sahib.

Approver Sundar Singh (W.G.), who spoke of accused as "from

America," says that he saw him on October 13th and 14th in accused Gujar Singh's party at Howarh Station : and on about the 17th at Nanak Singh's *chaubara* in Amritsar, where accused belonged to Gujar Singh's *Dewali* party. Accused (he says) was detailed by Gujar Singh to be leader of the Patti side of the *Manjha*, and to inform people of the date for a rising. The witness later is sent by Balwant Singh absconder to tell accused to get men ready for the rising: and delivers the message. Accused is named to the witness by accused 85 Sundar Singh as a leader in a committee which fixed November 15th as a date; and is at Tarn Taran *Masya* asking about the date, and on *Masya* day when it is decided to meet at the Jhar Sahib. He attends the first meeting there; says that Gujar Singh has been arrested, and that the Malwa and Doaba people cannot attend; and suggests sending two men to tell them that November 23rd has been fixed. He is present at the gathering on that date; and goes with the witness next day to his village Dadher, and on to Chola to meet a "cavalry man"; and meets him at the *haveli* of one Mohan Singh (This "cavalry man" was accused Sucha Singh of the 23rd Cavalry). The accused tells Sucha Singh that November 26th has been fixed; and that he should take a copy of the "*Ghadr-di-Gunj*" to read to the men in his regiment. On the evening of the 26th accused at the Jhar Sahib suggests attacking Sarhali and Patti Police Stations, and then looting Tarn Taran Treasury. This witness (who certainly does not appear biased in any way, and who was not cross-examined) did not try to implicate accused as present at the Khairon assembly; he says frankly that he did not see him there.

Approver Natha Singh also says that accused Budha Singh and Chanan Singh named this accused as one of the Amritsar *Dewali* "committee"; and that Budha Singh and accused Sadhu Singh also named him as one of the principal men to be at the proposed *Masya* meeting at Tarn Taran. The witness corroborates that accused was at the Jhar Sahib gathering of November 26th, and says that he was also at the house of Lal Singh of Bhure (L.C.C.) prior to that gathering. This witness at first omitted accused's name from both the Jhar Sahib and Khairon lists; but later stated that accused was both at Jhar Sahib and Khairon, when the Court put him the question "How many Dadher men were at Khairon?" There was a somewhat similar doubt about the witness' recollection as to whether this accused was one of those who went on to Dhun (following the Khairon gathering); and in cross-examination the witness (page 103)

admitted that accused did not accompany him to Dhun.

We think there can be no doubt that accused did not attend the Khairon gathering; and the explanation for his absence there from is given by the next witness Surain Singh.

P.W. 21 Surain Singh speaks of accused Sucha Singh of his Regiment going on leave, and returning with information got from this accused about dates. On the 29th November, the witness and his fellow-deserters from the 23rd Cavalry meet accused at Dadher, who tells them that he actually started for Khairon to join in a rising, but returned home on account of feeling ill. The accused agrees to go on with them to the Jhar Sahib; but on the morning of the 30th does not turn up. Cross-examined (page 138) the witness says that Sucha Singh told him that accused was a *Ghadr* leader, and showed him accused's *haveli* of which the witness was able to give some description to us.

P.W. 185 (son of Lal Singh of Bhure) was cross-examined; and said that he never saw accused visiting his father. However, it is not to be supposed that the witness remained at home throughout each day continuously; and there appears no reason why approver Natha Singh should have invented his assertion.

This accused is mentioned in the confessions of co-accused No. 49, Labh Singh, Teja Singh of Bhikewiind, and Thakar Singh of Thatian. The first mentions him as at Khairon assembly and the Sarhali attempt; and the second as a Jhar Sahib assembly. Thakar Singh of Thatian stated that he met accused at the Dewali fair at Amritsar; and was told there by accused Gujar Singh that this accused had been made "our officer," by whom orders would be issued. He then enquired from accused, and was told that he would be informed when his services were required. Some time afterwards this accused and approver Sundar Singh (W. G.) came to his village; and persuaded him (by reminding him of how his passage-money had been paid) to go to the Jhar Sahib.

Accused's statement before us will be found at page 547. He says he returned to India at his brother's request because of his uncle Kesar Singh's death. He denies the allegations against him; and denies even knowing co-accused Gujar Singh. He never even heard of the Jhar Sahib; and does not know the two sowar deserters, accused Sucha Singh and Maharaj Singh; not the approver, Kala Singh, nor P.W. Surain Singh. He says that he has a brother at the front, and is ready to serve himself. He (like many other accused) drags in the story of Natha Singh and the

Mirasan; and says that approver Sundar Singh (W.G.), identified him at the suggestion of the police.

Exh. D. 68 (*khasra girdawari* of 1915) has been put in to show that accused settled down to his ordinary occupation as an agriculturist. We understood from his counsel in arguments that this was really put in only extenuation — to show that the accused had, at least, relinquished former ideas, since it does not purport to show what he was doing at the end of 1914. Exh. D. 69, copies of entries in the Civil Surgeon's Register, was put in to show that accused was treated at a hospital for *chavi* injuries, alleged for the defence to have been inflicted by Dari, the bad character who, it was intended, should get the Sarhali *Thana* door opened.

The defence witnesses are D.W.'s 488 to 491 inclusive; 521 to 529 inclusive; and 830 to 833 inclusive. The first batch are as to character, and as to accused's return on account of his uncle's death. The next batch are to the same effect; and say that accused used not to leave his village. Some of them repeat the allegation about Natha Singh and the *Mirasan*, but they suggest no special reason why he should bear enmity to this accused. D.W. 523 asserts that it was Dari who injured accused with a *chavi*; and says that at the time Dari belonged to the party of Lal Singh of Bhure (the suggestion, of course, being that accused could not have visited Lal Singh's house). One of the witnesses in this batch, and two in the next, were defence witnesses in the Lahore Conspiracy Case. The last batch attempt to support as to Dari's enmity; but D.W. 830 says the fight took place *10 years ago*. Some of the defence witnesses assert that accused has no *haveli*, or *deorhi*, only a roofed room; this being a counter-blast to P.W. Surain Singh, who gave us some description of accused's habitation. D.W. 830 stated that accused once put Natha Singh approver's cattle in the pound; but accused himself said nothing about this, nor was Natha Singh cross-examined about it.

Accused's Counsel, naturally, could advance but little for client in arguments. He has urged that accused's name is not in the Khairon notebook; but approver Sundar Singh distinctly says he did not see him there, Natha Singh seemed to us doubtful about it, and P.W. Surain Singh says that accused told him that illness prevented his going there. Only one co-accused has mentioned him as at Khairon, and that confession will certainly not be pressed. Defence Counsel has reasonably argued that there is nothing to show that accused took part in the activities of the Dadher group of revolutionists in January-February 1915, and we think

it quite possible that by that time he had become tired of the whole affair. There is, in our opinion no good proof that he returned to India simply for *Ghadr* purposes; but we see no reason to doubt the evidence that for some time after his return to India (possibly, having imbibed *Ghadr* doctrines on this ship) he was a revolutionist gang-leader; and Crown Counsel has urged that part of his work was the seduction of soldiers from their allegiance, and we think the contention has some force, in view of the evidence of Surain Singh and Sundar Singh W.G.

Though we do not press against the accused his journeying on the Nam Sang; his other activities, particularly his being a gang-leader, going to the Jhar Sahib, and interviewing Sucha Singh; show he was an abettor; and we find him guilty, under section 121, Indian Penal Code, of abetment of the waging of war, **but as he abandoned the movement very soon, and kept aloof from the Dadher revolutionists in January-February, we recommend him to mercy.**

We also direct that his property, liable to forfeiture, be forfeited to the Crown, but recommend that the order should not be enforced. — 7 years.

101. Sawan Singh, Chamar, of Nandpur Kalour, Patiala State:—

[Absconding. — Eds.]

102. Harnam Singh, son of Narain Singh, Lambardar, of Wan, Police Station Sirhali, Amritsar. :—

[Discharged. — Eds.]

Having now completed the individual cases we have only to add one remark.

We are convinced that all the accused whom we have convicted under Sections 121, 121 A, Indian Penal Code, could not, while committing the acts for which they have been convicted, have been other than cognizant of the fact that they were ultimately aiming at subverting Government, an aim to which their actions were ancillary.

We also attach for convenience of reference, a schedule showing the result in regard to each person still before us.

SUPPLEMENTARY

The judgment being concluded our first duty is to pass an order of discharge under Section 337, Code of Criminal Procedure, in regard to all the approvers, viz:—

Anokh Singh, Arjan Singh, Bachan Singh, Balwant Singh, Bhagat Singh, Ganda Singh, Kala Singh, Mul Singh, *Granthi*, Nand Singh, Natha Singh, Puran Singh, Sundar Singh (Asa Majri), Sundar Singh (Wadli Guru), Surain Singh, Teja Singh, Udham Singh and Wasawa Singh. No order of discharge is necessary in regard to the approvers who are common to this and the last case; they having been discharged on the conclusion of the former case.

Our second duty is to record our appreciation of services variously rendered in the investigation and conduct of the case.

We do not profess to say who has done best; and we do not think it necessary to mention those to whom we referred in the last case.

Of police officers who, each in their own way, have done good service, we would mention Sardar Harkishen Singh, Sardar Suchet Singh (Kapurthala), Inspector Iqram-ul-Haqq, Sub-Inspector of Police Kishen Singh (Faridkot), Head Constable Gurdit Singh (Faridkot, Police Madan Singh (Kapurthala), Inspector Muzaffar Khan (Mardan), Circle Inspector of Police Dhanpat Rai, Sub-Inspector of Police Teja Singh, Sub-Inspector of Police Syad Ijaz Hussain, Head Constable Hakim Singh, Inspector Shabir Hussain, Inspector Shaikh Abdul Aziz, Sub-Inspector of Police Jagat Singh, Inspector Aziz-ud-din, Head Constable Muhammad Sadiq and Sub-Inspector of Police Sodhi Inder Singh (Calcutta).

Of the general public we desire to record our appreciation of the actions of Sham Singh (witness 62), Anokh Singh (witness 63), Harnam Singh (witness 56), Bhola singh (witness 59), *Mahant* Kirpa Singh (witness 133), Nirbai Singh (witness 60), Sundar Singh (witness 65), Harnama (witness 66), Kundan Singh (witness 139), Sardar Ali (witness 172) and Rassaldar -Major Bahadur Singh (witness 238).

We make no reference to any of the Gazetted Officers who have conducted the investigation, for the reason that they themselves have preferred to give those working under them the full credit for the work done.

We wish to express our indebtedness to Mr. Green, Sergeant, Mohammad Afzal, Sub-Inspector of Police, Devi Dial, Sub-Inspector

of Police, and Muhammad Alam Khan, Sub-Inspector of Police, who have been in charge of the prisoners before us throughout this trial, and who have perform0ed arduous and trying duties with tact and smoothness.

We have also to thank the official reporter for his careful reports, the Government Press for the work of printing our records, done with speed and accuracy, the Jailor, who has done much for our comfort, and the whole of our office staff- and particularly our reader; who, without exception, have laboured hard and cheerfully for the eleven months we have been engaged on these cases. Without the very efficient assistance given us by our staff, our toil would have been considerably increased. Lastly, we have to again thank the Government Advocate, who has been ably assisted by Mr. Taj-ud-din and Mr. Ram Lal, for the every great skill and care with which the case has been prepared and presented to us, and the Counsel for Defence who have discharged the arduous duty of defending the prisoners.

Judgment pronounced. The accused have been informed that they will received copies of the judgment; and that they should file their petitions, if any, within eighteen (18) days from this date.

A. A. IRVINE,
The 30th March 1916. President of the Commission.

T. P. ELLIS,
The 30th March 1916. Special Commissioner.

SHEO NARAIN,
The 30th March 1916. Special Commissioner.